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## Regulations

### TITLE 7—AGRICULTURE

#### Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-88]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN TERRE HAUTE, IND., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.123 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Terre Haute, Indiana, sales area, and is referred to hereinafter as the "sales area":

The city of Terre Haute, and the townships of Harrison, Honey Creek, and Sugar Creek, all in Vigo County, Indiana.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota

period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (1) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: \_\_\_\_\_ percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (1) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, but—

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termilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective

date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cot-

tage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18070; Filed, November 8, 1943;  
3:43 p. m.]

[FDO 79-89]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN CEDAR RAPIDS, IOWA, SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order it is hereby ordered as follows:

§ 1401.125 *Quota restrictions—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Cedar Rapids, Iowa, sales area, and is referred to hereinafter as the "sales area":

The city of Cedar Rapids and the townships of Bertram, Clinton, College, Marion, and Monroe in Linn County, Iowa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provi-

sions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (1) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (1) Milk: 100 percent; (ii) butterfat in milk: — per cent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (1) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent,

within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director, together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18071; Filed, November 8, 1943;  
3:43 p. m.]

[FDO 79-90]

#### PART 1401—DAIRY PRODUCTS

#### FLUID MILK AND CREAM IN WATERLOO, IOWA, SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.126 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Waterloo, Iowa, sales area, and is referred to hereinafter as the "sales area":

The city of Waterloo and the townships of Cedar Falls, East Waterloo, and Waterloo, all in Black Hawk County, Iowa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: ---- percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified

in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms

of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18072; Filed, November 8, 1943;  
3:43 p. m.]

[FDO 79-91]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN PUEBLO, COLO., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.130 *Quota restrictions—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Pueblo, Colo-

rado, sales area, and is referred to hereinafter as the "sales area":

The city of Pueblo, those parts of the election precincts numbered 2 through 7, 10, 12, 16, 18, 19, 21, 23, and 37 which extend beyond the city limits of Pueblo, the election precincts numbered 112, 113, 115, 117, 124, and 125, that part of election precinct 1 which lies outside Pueblo and is surrounded by Pueblo city limits, and that part of election precinct 9 outside Pueblo comprising the Colorado State Hospital for the Insane, all in Pueblo County, Colorado.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) buttermilk in milk: 100 percent; (iii) cream: 75 percent; (iv) Butterfat in cream: 75 percent; (v) Milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in the volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproducts,

one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market



agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.015 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18076; Filed, November 8, 1943;  
3:43 p. m.]

[FDO 79-92]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN SPRINGFIELD, MO., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.129 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same mean-

ing as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Springfield, Missouri, sales area, and is referred to hereinafter as the "sales area":

The city of Springfield and the townships of Campbell and North Campbell, all in Greene County, Missouri.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less

than 350 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in the volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and

milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18077; Filed, November 8, 1943;  
3:43 p. m.]

[FDO 79-93]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN TOPEKA, KANS., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.127 *Quota restrictions—(a) Definitions.* When used in this order,

unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Topeka, Kansas, sales area, and is referred to hereinafter as the "sales area":

The city of Topeka and the township of Topeka in Shawnee County, Kansas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period of the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no

milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 350 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in the volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the

market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18078; Filed, November 8, 1943;  
3:43 p. m.]

[FDO 79-94]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN FRESNO, CALIF., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the

purposes of such order, it is hereby ordered as follows:

§ 1401.82 *Quota restrictions*—(a). *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Fresno, California, sales area, and is referred to hereinafter as the "sales area":

The entire area included in the marketing area now designated by the Director of Agriculture of the State of California pursuant to the provisions of Chapter 10, Division 4, of the Agricultural Code of the State of California as the Fresno Marketing Area.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in

milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the



Director and may be affirmed, modified, or reversed by the Director.

(1) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18073; Filed, November 8, 1943;  
3:43 p. m.]

No. 225—2

[FDO 79-95]

# PART 1401—DAIRY PRODUCTS

## FLUID MILK AND CREAM IN LINCOLN, NEBR., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.124 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Lincoln, Nebraska, sales area, and is referred to hereinafter as the "sales area":

The city of Lincoln and the precincts of Garfield, Lancaster, West Lincoln, and Yankee Hill, all in Lancaster County, Nebraska.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 125 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address, and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investi-

gate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-18075; Filed, November 3, 1943;  
3:43 p. m.]

[FDO 79-96]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN ST. JOSEPH, MO., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.128 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the St. Joseph, Missouri, sales area, and is referred to hereinafter as the "sales area":

The city of St. Joseph and the township of Washington in Buchanan County, Missouri, and the township of Washington in Doniphan County, Kansas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (1) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: 100 percent; (iii) cream:

75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 350 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in the volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name,

address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(i) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been ap-

proved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,

Acting Director of Food Distribution.

[F. R. Doc. 43-18079; Filed, November 8, 1943; 3:43 p. m.]

[FDO 79-97]

#### PART 1401—DAIRY PRODUCTS

##### FLUID MILK AND CREAM IN MANCHESTER, N. H., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.122 *Quota restrictions—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Manchester, New Hampshire, sales area, and is referred to hereinafter as the "sales area":

The city of Manchester and the town of Goffstown, both in Hillsboro County, New Hampshire.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) butterfat in milk: — percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese, 75 percent; and (vi) cottage, pot, or baker's cheese, 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(i) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided,* That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) Milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that

compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials, or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(1) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.015 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding

quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., December 1, 1943.

Issued this 6th day of November 1943.

C. W. KITCHEN,

Acting Director of Food Distribution.

[F. R. Doc. 43-18074; Filed, November 8, 1943; 3:44 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### Chapter VII—Personnel

#### PART 78—DECORATIONS, MEDALS, RIBBONS AND SIMILAR DEVICES

##### DECORATIONS

Sections 78.1 to 78.8 are amended, §§ 78.4 to 78.8 being redesignated 78.5 to 78.9, and new §§ 78.4 and 78.10 are added as follows. The regulations in §§ 78.1 to 78.10 are also contained in AR 600-45, 22 September 1943, the particular paragraphs being shown in brackets at end of sections.

§ 78.1 *Decorations*—(a) *General.* (1) Decorations are awarded in recognition of and as a reward for extraordinary, unusual, or outstanding acts or services. They are the visible evidence of such acts or services and are cherished accordingly by the recipients. Properly utilized, they are potent incentives to greater effort and instrumental in building and maintaining morale.

(2) For description of decorations, see § 79.31 and succeeding sections under this title.

(3) The eligibility of any person for the award of a decoration (civilian or military) is determined by his status (civilian or military) at the time the act was performed or the service rendered.

(b) *War Department decorations.* In order of precedence, except that the Oak-Leaf Cluster is issued in lieu of an additional medal, and its precedence is that of the medal it represents.

- (1) Medal of Honor.
  - (2) Distinguished-Service Cross.
  - (3) Distinguished-Service Medal.
  - (4) Legion of Merit.
  - (5) Silver Star.
  - (6) Distinguished-Flying Cross.
  - (7) Soldier's Medal.
  - (8) Purple Heart.
  - (9) Air Medal.
  - (10) Medal for Merit (State, War, and Navy Departments).
  - (11) Oak-Leaf Cluster.
  - (12) Good Conduct Medal and Clasps.
- See §§ 78.33-78.37.

(c) *Limitation.* Not more than one of the several decorations authorized by Federal law will be awarded for the same act of heroism or extraordinary achieve-

ment. (E.O. 4601, 1 March 1927) [Pars. 1, 2, and 3]

§ 78.2 *To whom decorations awarded*—(a) *Medal of Honor.* (1) The Medal of Honor is awarded in the name of Congress to each person who, while an officer, noncommissioned officer or private of the Army, in action involving actual conflict with an enemy, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty. See act 9 July 1918 (40 Stat. 870; 10 U.S.C. 1403).

(2) In order to justify an award of the Medal of Honor, the individual must perform in action a deed of personal bravery or self-sacrifice above and beyond the call of duty, so conspicuous as clearly to distinguish him for gallantry and intrepidity above his comrades, involving risk of life or the performance of more than ordinarily hazardous service, the omission of which would not justly subject him to censure as for shortcoming or failure in the performance of his duty. The recommendations for the decoration will be judged by this standard of extraordinary merit, and incontestable proof of the performance of the service will be exacted.

(b) *Distinguished-Service Cross.* (1) The Distinguished-Service Cross is awarded to persons who, while serving in any capacity with the Army, distinguish themselves by extraordinary heroism in connection with military operations against an armed enemy. See act 9 July 1918 (40 Stat. 870; 10 U.S.C. 1406).

(2) To warrant an award of the Distinguished-Service Cross a person must perform an act or acts of heroism so notable and involving a risk of life so extraordinary as to set him apart from his comrades.

(c) *Distinguished-Service Medal.* (1) The Distinguished-Service Medal is awarded to persons who, while serving in any capacity with the Army, distinguished themselves by exceptionally meritorious service to the Government in a duty of great responsibility. See act 9 July 1918 (40 Stat. 871; 10 U.S.C. 1407, 1408).

(2) (i) The term "duty of great responsibility" means duty of such a character that exceptionally meritorious service therein has contributed in high degree to the success of a major command, installation, or project.

(ii) The performance of the duty must be such as to merit recognition by the service as clearly exceptional. A superior performance of the normal duties of a position will not alone justify the award.

(iii) The accomplishment of the duty for which the award is recommended should have been completed, or it should have progressed to an exceptional degree if the person rendering the service has been transferred to other duties prior to its full accomplishment.

(3) The Distinguished-Service Medal will be awarded to personnel of foreign nations only under exceptional circumstances.

(d) *Legion of Merit*—(1) *United States armed forces.* (i) The Legion of Merit

without reference to degree, is awarded to members of the armed forces of the United States and of the Government of the Philippines who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. See act 20 July 1942 (56 Stat. 662; 10 U.S.C. 1408b), and E.O. 9260, 29 October 1942 (Sec. I, Bull. 54, WD, 1942).

(ii) The provisions of paragraphs (c) (2) (ii) and (iii) of this section apply to the Legion of Merit. It is particularly desired that recognition be given personnel in the enlisted and lower commissioned grades whose services meet the standards prescribed.

(2) *Armed forces of foreign nations.*

(i) The Legion of Merit, in four degrees, is awarded to personnel of the armed forces of friendly foreign nations who distinguish themselves by exceptionally meritorious conduct in the performance of outstanding services. The degrees are:

- (a) Chief Commander.
- (b) Commander.
- (c) Officer.
- (d) Legionnaire.

(ii) The degrees of Chief Commander and Commander are awards comparable to those for which the Distinguished-Service Medal is awarded to members of the United States armed forces, and the degrees of Officer and Legionnaire are for services comparable to those for which the Legion of Merit would be awarded in our forces. A subsequent award in a lesser degree is not authorized. Paragraph (c) (2) (i), (ii) and (iii) applies to the degrees of Chief Commander and Commander. Paragraph (c) (2) (ii) and (iii) applies to the degrees of Officer and Legionnaire.

(e) *Silver Star.* (1) The Silver Star is awarded to persons who, while serving in any capacity with the Army, distinguish themselves by gallantry in action not warranting the award of a Medal of Honor or Distinguished-Service Cross. See act 15 December 1942 (56 Stat. 1052; 10 U.S.C. 1412).

(2) Those individuals who, prior to 7 December 1941, have been cited for gallantry in action in orders issued by the headquarters of a force commanded by a general officer, which citations do not warrant the award of the Medal of Honor or Distinguished-Service Cross, may make application for the Silver Star Medal to The Adjutant General, W.D., A.G.O. Form No. 0714 (Application for Service Medal), being used for this purpose.

(f) *Distinguished-Flying Cross.* (1) The Distinguished-Flying Cross is awarded to members of military, naval, and air forces who, while serving in any capacity with the Army Air Forces, distinguish themselves by heroism or extraordinary achievement while participating in aerial flight. See act 2 July 1926 (44 Stat. 789; 10 U.S.C. 1429) and E.O. 4601, 1 March 1927.

(2) In order to justify an award of the Distinguished Flying Cross for heroism, the heroism must be evidenced by voluntary action in the face of great danger above and beyond the line of duty while participating in aerial flight.

(3) To warrant an award of the Distinguished Flying Cross for extraordinary achievement while participating in aerial flight, the results accomplished must be so exceptional and outstanding as clearly to set him apart from his comrades who have not been so recognized.

(g) *Soldier's Medal.* (1) The Soldier's Medal is awarded to members of military, naval, or air forces, who, while serving in any capacity with the Army, distinguish themselves by heroism not involving actual conflict with an enemy. See act 2 July 1926 (44 Stat. 789; 10 U.S.C. 1428).

(2) The Soldier's Medal may be awarded to an individual for the performance of an act or acts of heroism involving risk of life under conditions other than those of conflict with an enemy.

(h) *Purple Heart.* (1) The Purple Heart, established by General George Washington at Newburgh, 7 August 1782, during the War of the Revolution and revived out of respect to his memory and military achievements by War Department General Orders No. 3, 22 February 1932, is awarded to members of the armed forces of the United States and to civilians who are citizens of the United States serving with the Army, who are wounded in action against an enemy of the United States, or as a direct result of an act of such enemy, provided such wound necessitates treatment by a medical officer. (For the purpose of awarding the Purple Heart, a wound is defined as an injury to any part of the body from an outside force, element, or agent sustained as the result of a hostile act of the enemy or while in action in the face of the enemy.) One award (the Purple Heart for the first wound, an Oak-Leaf Cluster thereafter) is authorized for each such wound, except that only one award is authorized for two or more wounds received contemporaneously.

(2) Eligibility is established as follows: (i) When a person entitled to the award under (1) above is treated for a wound, the commanding officer of the hospital, or the medical officer who treats the wound, will furnish the commanding officer of the wounded person a certificate describing briefly the nature of the wound and certifying to the necessity of the treatment. This information may be furnished to commanders of higher units in the form of certified lists, and will be transmitted by them to the commanding officers concerned.

(ii) The Purple Heart will be awarded posthumously by the War Department to members of the armed forces of the United States and to citizens of the United States who, while serving in any capacity with the Army of the United States since 6 December 1941, are killed in action or who die as a direct result of wounds received in action with an enemy of the United States, or as a direct result of an act of such enemy. The Adjutant General will cause the Purple Heart and Purple Heart Certificate to be sent to the nearest of kin of persons entitled to the posthumous award as nearly coincidentally with the receipt of the report of death by the War Depart-

ment as practicable and regardless of the fact that records may show that a presentation of the decoration has been made to the individual before his death.

(iii) For acts or services performed prior to 7 December 1941 the Purple Heart may be awarded to those persons who, as members of the Army of the United States, have been awarded the meritorious service citation certificate by the Commander in Chief, American Expeditionary Forces in the World War; who were authorized to wear the wound chevron; or who received wounds in action which would have entitled them to wear wound chevrons under the provisions of the then existing regulations, and who make application therefor to The Adjutant General.

(i) *Air Medal.* (1) The Air Medal is awarded to persons who, while serving in any capacity in or with the Army, distinguish themselves by meritorious achievement while participating in an aerial flight. See E.O. 9158, 11 May 1942 (sec. III, Bull. 25, WD, 1942), and E.O. 9242-A, 11 September 1942 (sec. III, Bull. 49, WD, 1942).

(2) The required achievement to warrant award of the Air Medal is less than that for the Distinguished-Flying Cross, but must nevertheless be accomplished with distinction above and beyond that normally expected. The Air Medal may be awarded to recognize single actions of merit or sustained operational activities against the enemy.

(j) *Oak-Leaf Cluster.* (1) None of the decorations authorized in this section will be issued more than once to any one person (except when awarded under the provisions of paragraph (h) (2) (ii) of this section), but for each succeeding deed, act, or achievement sufficient to justify an award, a bronze Oak-Leaf Cluster will be awarded in lieu thereof.

(2) Silver Oak-Leaf Clusters are authorized for wear on the appropriate decoration in lieu of bronze Oak-Leaf Clusters in the ratio of one to five. [Pars. 9 to 18]

§ 78.3 *Character of service subsequent to distinguished conduct.* No decoration shall be awarded or presented to any individual whose entire service subsequent to the time he distinguished himself shall not have been honorable. See act 9 July 1918 (40 Stat. 872; 10 U.S.C. 1409). See also sec. 12, act 2 July 1926 (44 Stat. 789; 10 U.S.C. 1429). [Par. 19]

§ 78.4 *Time limits.* (a) No decoration or other device in lieu of a decoration (except as provided in § 78.2 (h) (2) (iii), and in paragraph (b) of this section) shall be issued to any person after more than three years from the date of the act justifying the award thereof, nor unless a recommendation was submitted through official channels at the time of the distinguished act or service, or within two years thereafter, nor unless it shall appear from the records of the War Department that such person has so distinguished himself as to be entitled to the award. See act 9 July 1918 (40 Stat. 871); 10 U.S.C. 1409, and E.O. 4601, 1 March 1927.



(b) The Legion of Merit may be awarded up to and including 20 July 1945, but not thereafter, for exceptionally meritorious conduct in the performance of outstanding services between 8 September 1939 and 20 July 1942, both inclusive, provided the recommendation therefor shall have been made on or before 20 July 1944. [Par. 22]

§ 78.5 *Posthumous awards.* In case an individual who distinguishes himself shall have died before the making of the award to which he may be entitled, the award may nevertheless be made and the decoration or other device presented to the first of the following representatives as shown by the records of the War Department: Widow (provided she has not re-married), eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild. See act 9 July 1918 (40 Stat. 871); 10 U.S.C. 1409; and E.O. 4601, 1 March 1927. [Par. 22]

§ 78.6 *Cost of engraving.* The cost of engraving any decoration, either original or replacement, will be borne by the War Department. An authorized replacement will be engraved the same as the original. [Par. 23]

§ 78.7 *Replacement.* Whenever a decoration, medal, cross, bar, rosette, or other device presented in accordance with these regulations shall have been lost, destroyed, or rendered unfit for use, without fault, or neglect on the part of the person to whom it was awarded, it shall be replaced without charge. See Joint Res. 23, 15 April 1904 (33 Stat. 588; 5 U.S.C. 116); and act 9 July 1918 (40 Stat. 871; 10 U.S.C. 1416). [Par. 24]

§ 78.8 *Exhibition purposes.* Upon approval by the Secretary of War, samples of decorations awarded by the War Department will be furnished at cost prices, plus transportation and packing charges (except to the War Department or a governmental agency), to museums, libraries, historical, numismatic, and military societies, or institutions of such a public nature as will insure an opportunity to the public to view the exhibits. Except for a War Department or governmental agency exhibit, all sample decorations so furnished will be engraved at the expense of the purchaser with the words "for exhibition purposes only." [Par. 26]

§ 78.9 *Fourragere.*—(a) *Gratuitous issue.* When an individual is authorized by the War Department to wear the fourragere, the fourragere, together with the distinctive mark prescribed in § 79.40 of this chapter, will be furnished gratuitously. (See act 12 May 1928 (45 Stat. 500; 10 U.S.C. 1415b).) Duplicate fourrageres and distinctive marks will also be furnished gratuitously to persons in the military service: *Provided*, The original was lost, destroyed, or rendered unfit for use through no fault or neglect on their part. Such persons should apply therefor to The Adjutant General through military channels.

(b) *Sale.* Duplicate fourrageres and distinctive marks will be furnished at

cost price to former members of the Army, whose separation therefrom was under honorable conditions, and who have lost the original through no fault or neglect on their part. Such persons will make application therefor on a blank form which may be obtained from The Adjutant General, Washington 25, D. C. [Par. 27]

§ 78.10 *Medal for Merit.*—(a) *General.* The Medal for Merit is awarded to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations as have, since the proclamation of an emergency by the President on 8 September 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services; *Provided*, That awards to civilians of foreign nations shall be only for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations. See act 20 July 1942 (56 Stat. 662; 10 U.S.C. 1408b).

(b) *Recommendations.* (1) Recommendations may be submitted by any individual having personal knowledge of the facts, either as an eyewitness or from the testimony of others who have personal knowledge or were eyewitnesses.

(2) Each case will be submitted separately and will show the exact status of the person who is being recommended, with respect to citizenship, employment, and all other material factors at the time of the rendition of the service on which the recommendation is based. Testimony will be in the form of written statements supported by affidavits.

(c) *Authority to issue and manner of presentation.* The President of the United States has sole authority to make an award of the Medal for Merit and the presentation thereof shall be made by him or at his direction.

(d) *Succeeding awards.* No more than one Medal for Merit shall be awarded to any one person; but for each succeeding service, or act or acts, to justify an award of the Medal for Merit, a bronze Oak-Leaf Cluster will be awarded in lieu thereof. [Pars. 28 to 31]

(40 Stat. 870-872, 41 Stat. 398, 44 Stat. 789; 10 U.S.C. 1403-1409, 1411, 1429)

[SEAL] ROBERT H. DUNLOP,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 43-18182; Filed, November 11, 1943;  
9:47 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. 4623]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

##### MIRACLE MANUFACTURING COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising*

*falsely or misleadingly—Results:* In connection with offer, etc., in commerce, of respondent's "Miracle Radio Control" and "Miracle Aerial Loop", or any similar devices, representing, directly, or by implication, (1) that respondent's device "Miracle Radio Control" has any beneficial effect upon a radio receiving set; and (2) that respondent's device "Miracle Aerial Loop" has any beneficial effect upon a radio receiving set in excess of that of an ordinary aerial or aerial extension; prohibited. (Sec. 5, 38 Stat. 719, as amended, by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Miracle Manufacturing Company, Docket 4623, November 2, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1943.

*In the Matter of William Wheeler, an Individual, Trading as Miracle Manufacturing Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, William Wheeler, individually and trading as Miracle Manufacturing Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's devices designated "Miracle Radio Control" and "Miracle Aerial Loop," or any similar devices, whether sold under the same names or under any other names, do forthwith cease and desist from representing, directly or by implication:

1. That respondent's device Miracle Radio Control has any beneficial effect upon a radio receiving set.

2. That respondent's device Miracle Aerial Loop has any beneficial effect upon a radio receiving set in excess of that of an ordinary aerial or aerial extension.

*It is further ordered*, That respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order. By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-18185; Filed, November 11, 1943;  
10:50 a. m.]

[Docket No. 4700]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

DICKSON WEATHERPROOF NAIL CO.

§ 3.6 (b) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits.* In connection with offer, etc., in commerce, of respondent's "Dickson Lock Screw Shank Lead Head" nails, or any other nails of substantially similar design, representing, directly or by implication, (1) that said nails possess 25% or any other substantial percentage or amount of greater holding strength than plain drive screw nails; and (2) that said nails possess any holding strength in excess of that actually possessed by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Dickson Weatherproof Nail Co., Docket 4700, November 2, 1943]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 2d day of November, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, report of the trial examiners upon the evidence and the exceptions to such report, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Dickson Weatherproof Nail Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's "Dickson Lock Screw Shank Lead Head" nails, or any other nails of substantially similar design, whether sold under the same name or under any other name, do forthwith cease and desist from representing, directly or by implication:

1. That said nails possess 25% or any other substantial percentage or amount of greater holding strength than plain drive screw nails.

2. That said nails possess any holding strength in excess of that actually possessed by them.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.[F. R. Doc. 43-18186; Filed, November 11, 1943;  
10:50 a. m.]

## TITLE 29—LABOR

## Chapter VI—National War Labor Board

[Interpretation 1 to G. O. 6, Revocation]

## PART 803—GENERAL ORDERS

## NEW JOB CLASSIFICATION

Interpretation No. 1 to General Order No. 6 (§ 803.6), adopted on November 24, 1942 (7 F.R. 9861), is hereby repealed. (E.O. 9250, 7 F.R. 7871)

L. K. GARRISON,  
Executive Director.[F. R. Doc. 43-18162; Filed, November 10, 1943;  
12:30 p. m.]

## TITLE 32—NATIONAL DEFENSE

## Chapter IX—War Production Board

## Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 55 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

## PART 937—ZINC

[Conservation Order M-11-b, as Amended  
Nov. 11, 1943.]

§ 937.3 *Conservation Order M-11-b—*  
(a) *Prohibition on use of zinc or zinc products in articles appearing on List A.* (1) No person shall use any zinc or zinc products to make any item on List A. Additional items may, from time to time, be added to List A by amendment and the restrictions of this order made applicable to such items after a specified date. In each such case the effective date for the particular item will be indicated in parenthesis after the item.

(2) No person shall use any metal which has a protective coating or plating (other than paint) of zinc to make any item on List A, and no person shall apply a protective coating or plating (other than paint) of zinc to any item on List A unless the item on List A has a notation to the contrary.

(b) *Limitation of use of zinc or zinc products to make items not on List A.* In addition to the prohibitions of paragraph (a) above no person shall, during any calendar quarter, use more:

(1) Zinc products in the manufacture of any item, or

(2) Zinc in the production of any zinc product not requiring further processing, assembling, or finishing, or

(3) Zinc or zinc products for the purpose of applying a protective coating or plating (other than paint),

than 15% of the amount by weight of zinc or zinc products, respectively, used by him for such purpose during the entire calendar year 1941.

(c) *General exceptions.* The prohibitions and restrictions in paragraphs (a) and (b) shall not apply to the use of zinc or zinc products for the manufacture of any of the items or for any of the purposes following:

(1) Under a specific contract or sub-contract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the War Shipping Administration to the extent required by specifications, including performance specifications, applicable to the contract, sub-contract or purchase orders.

(2) For use to comply with safety regulations issued under government authority which require the use of zinc to the extent employed, or in safety equipment as permitted by General Limitation Order L-114, where and to the extent the use of any less scarce material is impractical.

(3) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical.

(4) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(5) For health supplies of the following types only:

- (i) Dental instruments, apparatus and equipment;
- (ii) Dental supplies and appliances;
- (iii) Lamps, health electric;
- (iv) Medicinal chemicals (limited to medical uses only);
- (v) Ophthalmic products and instruments;
- (vi) Physiotherapy products, electrical;
- (vii) Surgical and medical instruments, equipment and supplies;
- (viii) Orthopedic appliances;
- (ix) X-Ray apparatus and tubes;
- (x) Class I and II garments, as defined by General Limitation Order L-80;
- (xi) Waterproof sheeting for hospital beds and hospital hampers and infants' crib sheets;
- (xii) Hearing aids.

(6) For precision measuring, recording and control instruments, systems or equipment for use in industrial processes.

(7) For stamping and forming dies.

(8) For use as zinc dust in the following:

- (i) Metal refining and recovery;
- (ii) Smoke mixtures;
- (iii) Rubber processing;
- (iv) Chemicals for medicinal products;
- (v) Sodium hydrosulfite and sulfoxylate and zinc hydrosulfite;
- (vi) Dyestuffs, intermediates and dyes;
- (vii) Electroplating.

(9) For adjustable stencils for marking shipments and products.

(10) For applying a protective coating or plating (other than paint) of zinc to any item for which the processor has used cadmium for the same purpose after September 1, 1943.

(11) For protective coatings on coins made by the Bureau of the Mint or on fare tokens.

(12) For dry cell batteries to the extent that the manufacture of such batteries is permitted by General Limitation Order L-71.

(13) For printing plates to the extent that the manufacture of such plates is permitted by General Limitation Order M-339.

(14) For the manufacture of zinc oxide.

(15) For grommets for United States mail bags.

(16) For applying a protective coating or plating of zinc on plumbing fixture fittings and trim.

(17) For universal portable electric tools as defined in Schedule I to Limitation Order L-216.

(18) For portable pneumatic tools which, in the course of normal use, are lifted, held, and operated by not more than two persons.

(19) For light power driven tools as defined in General Limitation Order L-237.

(20) For data, instruction and identification plates.

(21) For air compressors (functional parts).

(22) For airline, water, and oil separators.

(23) For air regulators, as part of spraying equipment.

(d) *Prohibitions against sales or deliveries of zinc or zinc products.* No person shall sell or deliver any zinc or zinc products to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Miscellaneous provisions*—(1) *Appeals.* Any appeal from the provisions of this order must be made on Form WPB-1477 (formerly PD-500) and must be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(2) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Definitions.* (i) "Zinc" means zinc metal which has been produced by any electrolytic, electro-thermic, or fire refining process. It shall include zinc scrap and zinc metal produced from scrap and any alloy in the composition of which the percentage of zinc metal by weight equals or exceeds the percentage of all other metals.

(ii) "Zinc products" means zinc in the form of sheet, strip, rod, wire, castings, or dust.

(iii) "Use" means to process, assemble, or finish zinc products or to consume zinc.

(iv) "Item" means any article or component part thereof.

Issued this 11th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### LIST A

NOTE: Items "Air compressors \* \* \*", "Airline, water and oil separators", and "Air regulators \* \* \*" deleted Nov. 11, 1943.

The use of zinc in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing Conservation Order M-11-b. Where sublistings appear under a general heading on this list, only the sublistings are to be considered as items on List A.

**Automotive:** (except mechanical or functional items other than locking devices for wheels, tires or gasoline tanks):

Diesel engines.

Locking devices for wheels, tires or gasoline tanks.

Passenger cars

Trailers.

Tractors.

Trucks.

Truck tractors.

**Art craft and furnishings:**

Andirons.

Bookends.

Candlesticks.

Coat hooks.

Door chimes.

Fireplace fittings.

Mirror frames.

Picture frames.

Statues.

Banks, personal, toy, miniature.

Barrel and drum plugs (except protective coatings).

Beauty shop and barber shop equipment and supplies (whether for home or business uses and except items for repair and maintenance):

Hair curlers.

Hair dryers.

Lotion dispensers.

Permanent waving machines.

**Bicycles and Tricycles:**

Bicycles (except for protective coatings on wire for spokes).

Tricycles.

**Binoculars.**

**Builders' hardware** (except protective coatings):

Casement hardware.

Door knockers.

Lock parts (except for pin tumbler assemblies, disc tumbler cylinder assemblies and cases of pin tumbler or disc tumbler padlocks).

Screen door and window attachments.

Venetian blind hardware.

**Builders' supplies** (except protective coatings):

Down spouts.

Drainage fittings.

Flashing.

Gutters.

Mouldings.

Roofing.

Trim.

Weatherstripping.

Bulletin and menu boards, directories and similar items, and letters for same.

**Burial equipment:**

Caskets.

Casket hardware.

Markers.

Vaults.

**Clock & watch cases**

**Closures for glass containers**

**Cosmetics:**

Cosmetic containers, compacts and lipstick holders

Lotion dispensers

Perfume dispensers

**Costume jewelry**

**Coin operated devices:**

Automatic phonographs

Gaming machines

Vending machines (except sanitary napkin machines as permitted by General Limitation Order L-27)

Closures and associated items (except as permitted by General Limitation Order L-68)

**Cooking appliances:**

Electric stoves and ranges

Gas-fired stoves and ranges (except items for repair or maintenance)

**Drill holder stands**

**Electric fans**

**Electrical household appliances**

**Electric motors, except for motor rotors and bearings**

**Eyelets for footwear (except protective coating)**

**Grilles**

**Hand tools (except for gears and protective coatings)**

**Handbag fittings**

**Health supplies** (except as permitted by paragraph (c) (5) of this order)

**Insignia**

**Insulation**

**Key blanks (except protective coatings)**

**Kitchen, household, restaurant & soda fountain items:**

Butter chippers

Can openers

Coffee urns

Coffee grinders

Dishwashing machines (except protective coatings)

Drink mixers and shakers

Egg slicers

Food mixers

Fruit juicers

Grilles

Ice cream cabinets

Ice crushers

Meat slicers

Patent medicine dispensing machines

Potato slicers & mashers

Sterilizers

Toasters

**Lamps (except protective coatings)**

**Laundry tags and other clothing markers (except protective coatings)**

**Lawn mowers and lawn sprinklers**

**Lighting equipment, interior (except protective coating)**

**Luggage:**

Fittings

Hardware

**Mechanical pencils**

**Metal furniture**

**Metal plastering bases (See also Order L-59-b)**

**Musical instruments**

**Novelties:**

Advertising novelties

Jewelry cases

Letter openers

Novelty jewelry

Souvenirs

**Office supplies:**

Box openers

Calendar bases & holders

Envelope openers

Envelope sealing machines

List finders

Paper weights

Pen bases

Pencil sharpeners

Stapling machines

Ornamental and decorative uses (whether or not the item is included in List A)  
 Outboard motors (except items for repair and maintenance)  
 Paper coatings  
 Paper and paper product dispensing machines and devices (except protective coatings)  
 Parking meters  
 Photographic equipment, accessories, and parts (except as permitted by General Limitation Order L-267)  
 Portable and standing lamps (except protective coatings)  
 Portable gasoline and Diesel engines (except mechanical or functional items)  
 Radios and non-coin operated phonographs (except functional items for repair and maintenance)  
 Refrigerators, mechanical, electric or gas (except for essential food storage, food transportation and industrial uses, and except items for repair and maintenance)  
 Sewing machines (except items for repair and maintenance)  
 Signs:  
 Advertising specialties  
 Name plates  
 Billboards  
 Merchandise displays of all kinds  
 Smokers' supplies:  
 Ash trays  
 Cigar and cigarette lighters  
 Smokers' accessories  
 Soap dispensers

Soot removers  
 Slugs and tokens of all kinds (except as permitted by paragraph (c) (11) of this order)  
 Spittoons  
 Stair treads and thresholds  
 Stationary gasoline and Diesel engines (except mechanical and functional items)  
 Stenciling devices (except as permitted by paragraph (c) (9) of this order)  
 Stokers (except items for repair and maintenance)  
 Terrazzo strips (except for grids in hospital operating and operating service rooms)  
 Ticket vending machines  
 Toys and games  
 Vacuum cleaners and sweepers (except items for repair and maintenance)  
 Venetian blind slats  
 Washing machines (except items for repair and maintenance)

[F. R. Doc. 43-18220; Filed, November 11, 1943; 11:26 a. m.]

#### PART 1042—IMPORTS OF STRATEGIC MATERIALS

[General Imports Order M-63 as Amended Sept. 23, 1943, Amdt. 2]

Section 1042.1 *General Imports Order M-63* as amended is hereby amended by making the following change in List I:

Change	Material	Commerce Import class number	Governing date
Remove from List I	Wrist chronographs, incorporating a watch movement in combination with a timer movement, having a pillar or bottom plate less than 1.5 inches in width, as defined in subparagraph 397 (b) of the Tariff Act of 1930.	N. S. O.	May 14, 1943

This amendment shall become effective on November 13, 1943.

Issued this 11th day of November 1943.  
 WAR PRODUCTION BOARD,  
 By J. JOSEPH WHELAN,  
 Recording Secretary.

[F. R. Doc. 43-18221; Filed, November 11, 1943; 11:25 a. m.]

#### PART 3118—CONSUMERS' GOODS INVENTORIES

[Interpretation 4 of Limitation Order L-219]

#### CANCELLATION OF ORDERS AND RETURN OF GOODS

The following interpretation is issued with respect to Limitation Order L-219.

O A number of questions have been presented as to whether a merchant may cancel orders or return goods already received where he finds that this is necessary to keep his receipts of goods within the limits of L-219.

The existence of a commitment to buy goods does not exempt a merchant from the restrictions of the order. He not only may, but must, refuse a delivery which would cause his inventory to exceed the permitted limits. Whether, in refusing the delivery, he is protected against liability for breach of his purchase contract will depend on the applicable law of the jurisdiction involved and the interpretation of Title III of the Second War Powers Act, which states that a person is not liable for default under a contract or order which results directly or indirectly from his complying with a rule or regulation of the War Production Board. This provision is also incorporated for information purposes in § 944.13 of Priorities Regulation No. 225—3

ulation No. 1. Since the War Production Board has no jurisdiction over financial payments as distinct from deliveries and receipts of materials, the interpretation of this provision as applied to individual cases must be left to the courts.

Issued this 11th day of November 1943.

WAR PRODUCTION BOARD,  
 By J. JOSEPH WHELAN,  
 Recording Secretary.

[F. R. Doc. 43-18222; Filed, November 11, 1943; 11:26 a. m.]

#### PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS SIMPLIFICATION

[Schedule IV as Amended Nov. 11, 1943, to Limitation Order L-272]

##### INDICATING DIAL PRESSURE GAUGES

Section 3207.5 *Schedule IV to Limitation Order L-272* is amended to read as follows:

(a) *Definition.* A "gauge" is any instrument which measures and indicates, but does not record, any pressure or vacuum (regardless of the units specified on the dial) by means of a bourdon spring or springs, a diaphragm, or a bellows; or is any complete element assembly of such an instrument without a case. The following items are excluded, however, and are not gauges subject to this order:

- (1) Airborne gauges.
- (2) Any pressure regulator which consists of an enclosure containing a bour-

don tube and a relay used for the control of an electric motor starter.

(3) Gauges for absolute pressure measurement which are compensated for barometric pressure changes.

(4) Liquid level gauges using diaphragm boxes or equivalent devices as primary elements, and suitable for level measurement in either open or closed containers or both.

(5) Automotive type gauges with dial diameter of three inches or less, either panel or engine mounted, which are used to indicate either oil or air pressure as they may be related to the operation of internal combustion engines, or to the air brake systems on construction machinery, passenger, industrial or farm vehicles.

(6) Gauges of a dial diameter of twelve inches or larger, having an accuracy of  $\frac{1}{4}$  of 1% or better.

(7) Gauges sold as indicating controllers in cases which are normally used to house recording or pneumatic control instruments. If the manufacturer of these gauges buys the gauge elements from a dial pressure gauge manufacturer, however, the pressure ranges must conform to those prescribed in paragraph (b) (2) of this schedule.

(8) Draft gauges which are sold as such.

(b) *Specifications.* (1) Gauges shall be manufactured only in the following sizes (expressed in inches—dial diameter for round dials and inches—horizontal width for square or rectangular dials):  $1\frac{1}{2}$ , 2,  $2\frac{1}{2}$ ,  $3\frac{1}{2}$ ,  $4\frac{1}{2}$ , 6,  $8\frac{1}{2}$ , 12. This restriction on sizes does not apply, however, to the following gauges:

(i) Inspectors test gauges in the 3-inch size.

(ii) Submarine gauges and testing machine gauges in the 16-inch size.

(iii) Railroad gauges in the 5-inch and  $6\frac{3}{4}$ -inch sizes.

(iv) Special gauges for specific Navy applications, the manufacture of which may be authorized in writing by the War Production Board.

(2) Gauges shall be manufactured only in the following pressure ranges: 0-30 in. vac.; 30 in.-15 lb.; 30 in.-30 lb.; 30 in.-60 lb.; 30 in.-100 lb.; 30 in.-150 lb.; 30 in.-200 lb.; 30 in.-300 lb.; 0-15 lb.; 0-30 lb.; 0-60 lb.; 0-100 lb.; 0-160 lb.; 0-200 lb.; 0-300 lb.; 0-400 lb.; 0-600 lb.; 0-800 lb.; 0-1,000 lb.; 0-1,500 lb.; 0-2,000 lb.; 0-3,000 lb.; 0-5,000 lb.; and 0-10,000 lb. There are, however, certain exceptions to these limitations. The exceptions are:

(i) Ranges are not limited for pressures lower than 15-lb. or higher than 10,000 lb. p. s. i.

(ii) Ranges are not limited for gauges manufactured for use as pneumatic receivers in conjunction with remote instrument transmitters.

(iii) Gauges used on fire fighting equipment only may be supplied with pressure ranges of 30 in.-400 lb.; 30 in.-600 lbs.; and 30 in.-800 lbs. in dial sizes of  $2\frac{1}{2}$  inches,  $3\frac{1}{2}$  inches and  $4\frac{1}{2}$  inches only.

(3) Altitude and metric graduations shall be limited to the equivalents of the ranges specified in paragraph (b) (2) hereof.

(4) The following items, features and devices shall be eliminated in the manufacture of gauges:

(i) Retard and suppressed scale gauges, except where required by Army or Navy specifications.

(ii) Brass cases, except where required by Army or Navy specifications, or for 4½ in. and 6 in. gauges which are manufactured with a solid or reinforced front for use in plants manufacturing compressed gases, such as, but not limited to, oxygen, hydrogen, nitrogen, helium, acetylene and carbon dioxide.

(iii) Polished rings, except where required by Army or Navy specifications.

(iv) Plated rings.

(v) Inside case illumination, except for railroad gauges.

(vi) Electric contacts on gauges larger than 2½ inches dial diameter.

(vii) Outside adjustable maximum pointers, or other outside operable pointers, except for testing machine gauges or where required by Army or Navy specifications.

(viii) Customer's name on dial.

(ix) Installation of clocks in gauge cases.

(x) Duplex gauges, except in 4½-inch dial size and in railroad gauges.

(5) Gauges in sizes 4½-inch dial diameter, or larger, shall be manufactured with the following connections only, except where otherwise required by Navy or Maritime Commission specifications:

(i) Bronze bourdon tube gauges—¼-inch pipe thread only.

(ii) Steel bourdon tube gauges—¼-inch pipe thread from 0 to 1,000 lbs. p. s. i. dial graduation inclusive; ½-inch pipe thread from 1,000 lbs. to 10,000 lbs. p. s. i. dial graduation inclusive.

Issued this 11th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18223; Filed, November 11, 1943;  
11:26 a. m.]

# PART 3287—GOVERNMENT REQUIREMENTS [Supplementary Limitation Order L-286-a, as Amended Nov. 11, 1943]

## AMMUNITION

§ 3287.22 *Supplementary Limitation Order L-286-a—(a) Purpose.* The purpose of this Supplementary Order is to permit farmers and ranchers and other persons to get a special quota of ammunition to kill animals and birds so as to protect crops and livestock and increase the food supply.

(b) *Special quota for farmers and ranchers.* In addition to the quota allowed to farmers and ranchers by Limitation Order L-286, any farmer or rancher may purchase fifty .22 caliber rim fire cartridges and 20 center fire rifle cartridges, and 25 shotgun shells, subject to the following conditions:

(1) He must accept delivery or place a written order for such ammunition before October 1, 1943.

(2) He must sign and deliver to the seller at the time the purchase order is placed a certificate in substantially the following form:

### CERTIFICATE No. 5

#### FARMERS' AND RANCHERS' SPECIAL QUOTA FOR 1943

[The order for which this certificate is made must be placed before October 1, 1943]

To:-----

Name of seller

-----

Address of seller

I hereby certify to the seller named above and to the War Production Board that I have this day ordered from the above named seller the following ammunition:

(not to exceed fifty .22 caliber rim fire cartridges, 20 center fire rifle cartridges, and 25 shotgun shells) as the special quota of ammunition allowed to farmers and ranchers under Supplementary Order L-286-a; I operate a farm or ranch on which livestock, fowl, poultry, crops or other agricultural products are grown or produced for sale (not just a Victory Garden); I am the only person authorized to purchase this special quota of ammunition for such farm or ranch; I have not previously purchased or ordered such special quota; I am purchasing this ammunition for my own personal use or for use of my tenants and not for sale or gift.

Date:-----

-----  
Signature of purchaser.

(c) *Special quota for 1943 for all persons except those who have received the farmers' and ranchers' special quota.* Any person except a farmer or rancher may purchase fifty .22 caliber rim fire cartridges, 20 center fire rifle cartridges, and 25 shotgun shells of any gauge, and any farmer or rancher who has not purchased or ordered his full quota allowed for farmers and ranchers under paragraph (b) of this order, may purchase the same quantities of ammunition less all ammunition purchased or ordered by him as his special quota under paragraph (b) hereof, subject to the following conditions:

(1) He shall not purchase, accept delivery of, or order such ammunition before October 1, 1943, or after December 31, 1943.

(2) He must sign and deliver to the seller at the time the purchase order is placed a certificate in substantially the following form:

### CERTIFICATE No. 6

#### SPECIAL QUOTA FOR 1943 FOR ALL PERSONS EXCEPT THOSE WHO HAVE RECEIVED THE FARMERS' AND RANCHERS' SPECIAL QUOTA

[The order for which this certificate is made must be placed after September 30, 1943 and before January 1, 1944]

To:-----

Name of seller

-----

Address of seller

I hereby certify to the seller named above and to the War Production Board that I have this day ordered from the above named seller the following ammunition:-----  
(not to exceed fifty .22 caliber rim fire cartridges, 20 center fire rifle cartridges, and 25 shotgun shells) as the special quota allowed

under paragraph (c) of Supplementary Limitation Order L-286-a; I am purchasing this ammunition for my own personal use for shooting predatory and destructive animals and birds and not for sale or gift and not for target shooting; my present stock of ammunition on hand or on order from all sources including the special quota this day ordered from seller does not exceed one hundred .22 caliber rim fire cartridges, 20 center fire rifle cartridges, or 50 shotgun shells.

Date:-----

-----  
Name of purchaser

-----

Address of purchaser

(d) *Special quotas are in addition to regular quotas.* The quotas allowed by paragraphs (b) and (c) of this Supplementary Order are special quotas and shall not be taken into account in determining the regular quota which any authorized purchaser is allowed under Schedule A of Limitation Order L-286.

(e) *Orders must be filled in the order placed.* All orders placed under the terms of this Supplementary Order shall be filled in the order in which they are placed provided that the customary terms of the seller are met, except that orders placed by farmers and ranchers for their fourth quarter regular quotas under L-286 must be given priority over orders placed in accordance with paragraph (c) of this Supplementary Order.

(f) *Records.* All manufacturers, distributors and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory and sale of ammunition including all certificates and the purchase orders referred to in paragraphs (b) and (c) of this Supplementary Order.

(g) *Applicability of regulations.* This supplementary order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(h) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

Issued this 11th day of November 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-18224; Filed, November 11, 1943;  
11:25 a. m.]

## Chapter XI—Office of Price Administration

### PART 1305—ADMINISTRATION

[Gen. RO 5, 1 Amdt. 40]

#### FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment, issued simultaneously herewith, has been

\* 8 F. R. 11676, 11480, 11470, 12483, 12557, 21403, 12744.



filed with the Division of the Federal Register.\*

Section 9.7 is added to read as follows:

**SEC. 9.7 Reserve inventory for hospitals.** (a) Because of local supply difficulties a hospital or other institutional user establishment engaged in the care and treatment of the sick sometimes has to make advance purchases of large quantities of a rationed food so that it will have a stock of that food available for feeding its patients. Applications to the board for a certificate for the acquisition of such a reserve inventory of a rationed food may be made between November 10, 1943 and December 15, 1943. The application must be in writing and must state that the institutional user needs a reserve inventory.

(b) If the board finds that such an institutional user needs a reserve inventory of a rationed food, it will issue a certificate equal to the amount of his regular allotment of that food for the fifth allotment period. Only one reserve inventory of a rationed food may be granted to an institutional user.

(c) A certificate for a reserve inventory of a rationed food shall not be deemed to increase the institutional user's allotment of that food. The certificate is issued merely to expedite purchases of that food. The food acquired can only be used up to the amount of the institutional user's allotments.

This amendment shall become effective November 10, 1943.

**NOTE:** All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6, and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 10th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18177; Filed, November 10, 1943;  
4:04 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 378, Amdt. 5]

##### MIXED FEEDS FOR ANIMALS AND POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 378 is amended in the following respects:

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 5810, 5648, 9530, 10435, 14281.

1. Item 2 in the table of section 14 (a) is amended to read as follows:

Commodity	Maximum mark-up	
	Per ton	Per 100 pound bag
2. All rabbit feeds, all pig and hog feeds, all sheep and goat feeds, all laying, growing and broiler mash and pellets for poultry, ducks and turkeys, except (a) flushing mash, concentrates and supplements for poultry, ducks and turkeys used for further raising or feeding with more than 50% of grain (b) and starting mash and pellets for poultry, ducks and turkeys.	7.00	.85

This amendment shall become effective November 16, 1943.

(66 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18178; Filed, November 10, 1943;  
4:04 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 3, Amdt. 100]

##### SUGAR RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Rationing Order No. 3 is amended in the following respects:

1. Section 1407.71 (a) is amended by deleting therefrom the words "or for making jams, jellies, preserves, or fruit butters".

2. Section 1407.71 (b) is amended by inserting in the first sentence, between the words "processed foods" and the words "from fresh fruits," the words "(other than jams, jellies, preserves, or fruit butters)".

3. Section 1407.71 (d) is amended by inserting in the third sentence, between the words "processed foods" and the words "the applicant," the words "(other than jams, jellies, preserves, or fruit butters)".

4. Section 1407.71a (a) is amended by inserting in the first sentence, after the words "processed foods", the words "(other than jams, jellies, preserves, or fruit butters)".

This amendment shall become effective November 15, 1943.

(Pub. Law 421, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB

<sup>1</sup> 8 F.R. 5909, 5846, 6135, 6442, 6626, 6961, 7351, 7380, 8010, 8189, 8678, 8811, 9304, 9453, 10304, 10512, 10937, 11382, 11291, 11232, 11252, 12560, 12693, 13341, 13394, 13390.

Dir. No. 1 and Supp. Dir. No. 1E, 7 F.R. 662, 2965; Food Dir. No. 3, 8 F. R. 2005)

Issued this 10th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18179; Filed, November 10, 1943;  
4:04 p. m.]

#### Chapter XIII—Petroleum Administration for War

[Supp. Order 4, as Amended Nov. 12, 1943; to PAO 11]

##### PART 1515—PETROLEUM PRODUCTION OPERATIONS

###### NEW OIL WELLS IN CALIFORNIA

General Exception pursuant to paragraph (c) (10) of Petroleum Administrative Order No. 11.

Section 1515.10 Supplementary Order No. 4 to Petroleum Administrative Order No. 11 is hereby amended to read as follows:

§ 1515.10 *Supplementary Order No. 4 to Petroleum Administrative Order No. 11*—(a) *Scope of this order.* Except as otherwise modified by the provisions of any other order issued as a supplement to Petroleum Administrative Order No. 11 or by the provisions of any exception to Petroleum Administrative Order No. 11, the provisions of this order shall, to the extent provided herein, be applicable to production operations in the fields and pools of the State of California specified in Exhibit A,<sup>1</sup> but not elsewhere.

(b) *Definitions.* The definitions of Petroleum Administrative Order No. 11 shall apply in this order. In addition:

(1) "Designated area" means the pools specified in Exhibit A of this order.

(2) "New well" means an oil well spudded subsequent to April 22, 1943.

(3) "Rework" means perforate, plug back, deepen, redrill, clean out or otherwise rework an existing well in that pool from which such well is producing or last produced but excluding redrilling from a point more than 500 feet above such pool.

(c) *New well drilled in the designated area.* Any person may accept delivery of, acquire, or use material to drill, complete, equip, and connect any new well in the designated area: *Provided, That:*

(1) Such well is drilled to and completed in a pool specified in Columns Nos. 3 and 4 of Exhibit A of this order opposite the name of the field in which such pool is located; and

(2) Such well is not drilled to a vertical depth greater than the depth specified in Column No. 5 of Exhibit A of this order opposite the name of the pool to which such well is drilled; and

<sup>1</sup> Filed as part of the original document. Copies may be obtained from the Petroleum Administration for War, Interior Building, Washington, D. C., or Subway Terminal Building, Los Angeles, Calif. Ref: Supp. 4 as amended November 12, 1943 to PAO-11.

(3) Such well is not completed in more than one pool; and

(4) Such well is drilled, with respect to the pool in which it is to be completed, on a drilling unit of at least the size prescribed for that pool in Column No. 6 of Exhibit A, and in conformity with all of the uniform well spacing provisions contained in paragraph (d) of this order for such size drilling unit: *Provided*, That where no drilling unit size is prescribed in Column No. 6 of Exhibit A for a pool, the provisions of this paragraph (c) of this order shall not extend to such pool; and

(5) The direct linear distance between any two points which are farthest removed from each other on the drilling unit upon which such well is drilled does not exceed the length of the diagonal of a rectangle, the length of which is twice its width and which is equivalent in surface acreage to such drilling unit. Such direct linear distance for each of the drilling unit sizes listed in Exhibit A being:

Drilling unit size:	Maximum linear distance (feet)
5 acres-----	738
10 acres-----	1,043
20 acres-----	1,476
40 acres-----	2,087

(6) All separate property interests in the drilling unit on which such well is drilled are first consolidated with each other; and

(7) Such well is drilled with due diligence to maintain a vertical well bore. A well may be intentionally deviated from the vertical, *Provided*:

(i) The surface location of such well shall be deemed to be the point at which the vertical projection of the bottom of the well bore intersects the surface, and

(ii) One copy of a true and correct subsurface directional survey of its well bore shall be filed with the District Director of Production, District No. Five, within 30 days after the completion of such well.

(d) *Uniform well-spacing*—(1) *Uniform 5 acre well-spacing*. Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 5 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled,,

(a) Such well is drilled on a drilling unit of not less than 5 surface acres, no portion of which is attributable to or falls within 200 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 400 feet from every other drilling or producible oil well; and

(c) Such well is drilled at least 200 feet from every lease line, property line, or subdivision line which separates unconsolidated property interests.

(2) *Uniform 10 acre well-spacing*. Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 10 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled,

(a) Such well is drilled on a drilling unit of not less than ten surface acres,

no portion of which is attributable to or falls within 250 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 500 feet from every other drilling or producible oil well; and

(c) Such well is drilled at least 300 feet from every lease line, property line or subdivision line which separates unconsolidated property interests.

(3) *Uniform 20 acre well-spacing*. Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 20 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled,

(a) Such well is drilled on a drilling unit of not less than 20 surface acres, no portion of which is attributable to or falls within 300 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 800 feet from every other drilling or producible oil well; and

(c) Such well is drilled at least 300 feet from every lease line, property line or subdivision line which separates unconsolidated property interests.

(4) *Uniform 40 acre well-spacing*. Each new well drilled pursuant to paragraph (c) of this order shall conform to "uniform 40 acre well-spacing" only where:

(i) With respect to the pool to which such well is drilled,

(a) Such well is drilled on a drilling unit of not less than 40 surface acres, no portion of which is attributable to or falls within 300 feet of any other drilling or producible oil well located on the same lease or property; and

(b) Such well is drilled at least 990 feet from every other drilling or producible oil well; and

(c) Such well is drilled at least 300 feet from every lease line, property line, or subdivision line which separates unconsolidated property interests.

(e) *Computation of attributable acreage*. (1) The acreage attributable to any oil well spudded on or before December 23, 1941, shall be determined by assigning to such well an acreage equivalent to that in the existing well density or well-spacing contiguous to such well, but not greater than that provided in Exhibit A for a new well to the same pool in which such well is completed.

(2) The acreage attributable to any oil well spudded subsequent to December 23, 1941, shall be the same as the drilling unit assigned to such well pursuant to Conservation Order M-68, any Supplementary M-68 order, any exception issued pursuant to a determination under Conservation Order M-68, or pursuant to Petroleum Administrative Order No. 11, any order issued as a supplement to Petroleum Administrative Order No. 11, or any exception issued in response to an application filed as provided by paragraph (1) of this order, whichever is applicable.

(f) *Rework oil wells*. Any person may accept delivery of, acquire, or use material to rework (but not to deepen or plug

back from one pool to another) any oil well.

(g) *Restrictions on oil wells in pool designated "E" in Column No. 6 of Exhibit A*. Notwithstanding the provisions of Petroleum Administrative Order No. 11, no person shall accept delivery of, acquire, or use material to drill, complete, equip, or connect any new well or recomplete any existing well in any pool in the designated area which is marked "E" in Column No. 6 of Exhibit A opposite such pool except in conformity with an exception issued by the Petroleum Administration for War in response to an application filed as provided by paragraph (1) of this order.

(h) *Restriction on exposing more than one pool in same well-bore*. Notwithstanding the provisions of Petroleum Administrative Order No. 11 or the provisions of this order, no person shall accept delivery of, acquire, or use material to complete or recomplete any well in the State of California in more than one pool except in conformity with an exception issued by the Petroleum Administration for War in response to an application filed as provided by paragraph (1) of this order.

(i) *Installation of pumping or other artificial lifting equipment*. Any person may accept delivery of, acquire, or use material for pumping or other artificial lifting equipment to be installed on any oil well in the designated area: *Provided*, That

(1) The number of wells on any lease or tract on which pumping or other artificial lifting equipment is attached does not at any time, with respect to the productive acreage within the pool in which such well is completed, exceed the average well density specified in Column No. 7 of Exhibit A opposite the name of such pool. However, pumping or other artificial lifting equipment may be installed on one well located on any lease or tract, without regard to the size of said lease or tract, if no other well on such lease or tract is already so equipped. In no event may a lease or tract be subdivided or rearranged for the purpose of making this provision applicable; and

(2) Pumping or other artificial lifting equipment may not be installed on any well which will produce its allotment by natural flow, or on any well where the equipment will not be used continually thereafter in producing the well to the extent permitted by approved allocation schedules.

(j) *Lowering of oil well pumps or tubing strings*. Any person may accept delivery of, acquire, or use material to lower an oil well pump or a tubing string in any well on which there is already installed pumping or other artificial lifting equipment which has been regularly operated prior to the addition of such material.

(k) *Installation of shipping pump*. Any person may accept delivery of, acquire or use material to install a shipping pump to be operated in connection with a crude oil gathering line.

(l) *Filing of application for exceptions*. All copies of application for exceptions to Petroleum Administrative Order No. 11

covering a production operation within PAW District No. 5 together with the information required thereby shall be addressed to:

(1) The District Director of Production, District No. 5, where a crude oil operation including pressure maintenance, repressuring, and secondary recovery operations; or

(2) The District Director of Natural Gas and Natural Gasoline, District No. 5, for a natural gas, natural gasoline or condensate operation.

The application and information shall be filed in triplicate with the Petroleum Administration for War, Subway Terminal Building, Los Angeles 13, California, Ref: PAO 11.

(m) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(n) This order shall be effective on and after November 12, 1943.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1943.

RALPH K. DAVIES,  
Deputy Petroleum  
Administrator for War.

[F. R. Doc. 43-18187; Filed, November 11, 1943;  
11:22 a. m.]

[Order 13, as Amended, Amdt. 1]

#### PART 1526—MARKETING FUEL OIL

##### PROHIBITED TRANSFERS OF FUEL OIL

Section 1526.3 *Petroleum Distribution.* Order No. 13, as amended October 13, 1943, is hereby amended by changing subparagraph (1) of paragraph (b) to read as follows:

(b) *Prohibited transfers of fuel oil.* (1). No person shall transfer or accept a transfer of fuel oil or any other petroleum product, other than grades Nos. 5, 6 and Bunker "C" fuel oil having an A.P.I. gravity of 20° or below, for use in the operation of coal spraying equipment.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 12th day of November 1943.

RALPH K. DAVIES,  
Deputy Petroleum  
Administrator for War.

[F. R. Doc. 43-18188; Filed, November 11, 1943;  
11:29 a. m.]

18 F.R. 4051.

#### TITLE 43—PUBLIC LANDS: INTERIOR

##### Chapter I—General Land Office

[Circular 1569]

##### PART 64—HOMESITES OR HEADQUARTERS

Due to the change in procedure authorized by Departmental Order No. 1639 of January 17, 1942, establishing a Branch of Field Examination in the General Land Office, the first sentence of the last paragraph of § 64.8 (Circular 1342, November 23, 1934), is amended to read as follows:

The report of the regional field examiner will be made to the Commissioner of the General Land Office.

FRED W. JOHNSON,  
Commissioner.

Approved: November 2, 1943,

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 43-18175; Filed, November 10, 1943;  
2:39 p. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter I—Interstate Commerce Commission

[Service Order 161-A]

##### PART 95—CAR SERVICE

##### REFRIGERATION RESTRICTIONS ON CITRUS FRUITS FROM TEXAS AND FLORIDA

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of November, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 161 (8 F.R. 14689) of October 27, 1943, and good cause appearing therefor:

*It is ordered, That:*

§ 95.322 *Refrigeration restrictions.* Service Order No. 161 (8 F.R. 14689) of October 27, 1943, be, and it is hereby vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

*It is further ordered, That* this order shall become effective at 12:01 a. m., November 12, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-18235; Filed, November 11, 1943;  
11:46 a. m.]

#### PART 95—CAR SERVICE

[Service Order 164]

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of November, A. D. 1943.

It appearing, that the reicing of citrus fruits originating at points in Arizona, California, Florida, or Texas and shipped in refrigerator cars, and that the salting of bunker ice in such refrigerator cars impede unduly the use, control, supply, movement, and distribution of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic:

*It is ordered, That:*

§ 95.323 *Service Order No. 164—(a)*

(1) *Refrigeration restrictions on citrus fruits.* No common carrier by railroad subject to the Interstate Commerce Act shall, after the first or initial icing, reice or allow or permit reicing more than once of a refrigerator car or cars loaded with citrus fruits originating at any point or points in the States of Arizona, California, Florida, or Texas.

(2) *Restrictions on and after December 12, 1943.* No common carrier by railroad subject to the Interstate Commerce Act shall, after the first or initial icing, reice or allow or permit reicing of a refrigerator car or cars loaded with citrus fruits originating at any point or points in the States of Arizona, California, Florida, or Texas.

(b) *Specific refrigeration restrictions on Florida citrus fruits.* Common carriers by railroad subject to the Interstate Commerce Act are directed where initial icing is requested to initially ice citrus fruits originating in Florida at icing stations in that State, and the one reicing permitted under paragraph (a) (1) shall be performed at a regular icing station en route but not beyond Florence, South Carolina, Aberdeen, North Carolina, Spencer, North Carolina, Augusta, Georgia, Atlanta, Georgia, Pensacola, Florida, Montgomery, Alabama, or Birmingham, Alabama.

(c) *Bunker ice not to be salted.* No common carrier by railroad subject to the Interstate Commerce Act shall put salt on, or mix salt with, or allow or permit salt to be put on, or mixed with, ice in the bunkers of a refrigerator car or cars loaded, or to be loaded, with citrus fruits originating at any point or points in the States of Arizona, California, Florida, or Texas.

(d) *Application.* The provisions of this section prohibiting reicing and salting shall not apply to shipments moving from the primary point of origin prior to the effective date of this order.

(e) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(f) *Announcement of suspension.* Each railroad affected by this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9

(k) of this chapter) announcing the suspension of any of the provisions therein affected by this order.

(g) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

(h) *Expiration date.* The provisions of paragraph (a) (1) shall expire at 12:01 a. m., December 12, 1943, unless sooner vacated, changed, or extended. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered,* That the provisions of this order, except paragraph (a) (2) which shall become effective at 12:01 a. m., December 12, 1943, shall become effective at 12:01 a. m., November 12, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-18236; Filed, November 11, 1943;  
11:46 a. m.]

## Notices

### WAR DEPARTMENT.

[Royalty Adjustment Order W-5]

WALLACE R. TURNBULL

### ORDER AUTHORIZING PAYMENT OF ROYALTIES

#### Correction

In F.R. Doc. 43-18080, appearing on page 15433 of the issue for Wednesday, November 10, 1943, the first of the patents listed in the second paragraph should be numbered 1,427,178.

### DEPARTMENT OF THE INTERIOR.

Bureau of Mines.

VICTOR VLASIAK

#### REVOCATION OF LICENSE

In the matter of licensee Victor Vlasia (alias Wlasuik, Vlasuik). Proceedings for revocation of license. Order revoking and directing surrender of license and requiring information to be furnished.

To: Victor Vlasia (alias Wlasuik, Vlasuik), 640 Altamont Boulevard, Frackville, Pennsylvania.

Based upon the records in this matter, I make the following findings of fact:

1. On October 4, 1943, a Specification of Charges against you, setting forth violations of the Federal Explosives Act (55 Stat. 863), as amended, and the regulations pursuant

thereto, of which you were accused, was mailed to you at the above address, and on October 7, 1943, it was delivered to you, giving you notice to mail an answer within 15 days from October 4, 1943, answering the charges against you and requesting an oral hearing if you wished.

2. More than 30 days have elapsed since October 4, 1943. The length of time required for mail to be delivered to the Bureau of Mines, Washington, D. C., from Frackville, Pennsylvania, does not exceed 3 days. No answer or request for an oral hearing has been received from you.

3. The charges against you are true.

Now, therefore, by virtue of the authority vested in me by the Federal Explosives Act and the regulations pursuant thereto, I hereby order:

That all unexpired licenses issued to you under the Federal Explosives Act be and they are hereby revoked as of midnight, November 27, 1943;

That prior to midnight, November 27, 1943, you shall use or destroy all explosives and ingredients of explosives owned or possessed by you, or you shall sell or otherwise dispose of them to properly licensed persons;

That after having used or destroyed or sold or otherwise disposed of all of the explosives and ingredients as required by the preceding paragraph, you shall, prior to midnight, November 27, 1943, deliver or mail to L. L. Naus, Supervising Engineer, U. S. Bureau of Mines, Federal Building, Wilkes-Barre, Pennsylvania, a sworn statement of your transactions in and operations involving explosives and ingredients of explosives beginning with the date of this order and ending with the final disposition of all explosives and ingredients as required above. The statement shall set forth the amount of each kind of explosives or ingredients which you had on hand at the opening of business on the date of this order, the amount of each kind acquired by you that day and each day thereafter, the dates on which acquired, and the names and addresses of the persons from whom acquired, the amount of each kind of explosives or ingredients used, the purposes for which used, the places where used and the dates on which used, the amount of each kind of explosives or ingredients destroyed, the places where destroyed and the dates on which destroyed, the amount of each kind of explosives or ingredients sold or otherwise disposed of, the names, addresses, and the numbers and dates of licenses, of persons to whom sold or otherwise disposed of, and the dates of the sales or other dispositions, and the amount of each kind of explosives or ingredients on hand at each location at the end of each day on which there are transactions or operations;

That prior to midnight, November 27, 1943, you shall surrender all licenses revoked by this order and all certified and photographic copies thereof by delivering or mailing them to L. L. Naus, Supervising Engineer, U. S. Bureau of Mines, Federal Building, Wilkes-Barre, Pennsylvania.

Failure to comply with any of the provisions of this order will constitute a violation of the Federal Explosives Act punishable by a fine of not more than

\$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

This order shall be published in the FEDERAL REGISTER.

Dated: November 9, 1943.

R. R. SAYERS,  
Director.

[F. R. Doc. 43-18184; Filed, November 11, 1943;  
9:34 a. m.]

### General Land Office.

[Five-Acre Tract Classification 35]

LAKEVIEW, OREG., LAND DISTRICT

ORDER OPENING LANDS FOR LEASING

NOVEMBER 9, 1943.

On November 2, 1943, the following-described public lands in the Lakeview, Oregon, land district, were classified and opened by the Secretary of the Interior under the Five-Acre Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, health, convalescent, recreational, and business sites.

OREGON No. 1

WILLAMETTE MERIDIAN

T.22 S., R. 10 E., sec. 14, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 110 acres.

These lands are located in Deschutes County just north of the boundary between that and Klamath County. They are approximately 29 miles south of Bend, Oregon, and immediately east of the unincorporated townsite of Lapine.

These lands will be leased under the act for the purposes for which best suited and only in tracts which are in accordance with a plat to be prepared for leasing purposes, copy of which will be filed in the Lakeview district land office after the plat has been approved and accepted. Various of the designated tracts shown upon this plat will embrace the existing individual improvements so far as possible. Unimproved tracts, and the rights-of-way for ingress and egress as to all the tracts, also will be shown.

Ten applications for tracts in the area have been received, most of which are in conflict one with another. Where necessary, appropriate action will be taken for the adjustment of these, and any other applications which may be received under the act, to the tracts shown by the plat in question.

The NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of the section will be leased under the act for community use and development, upon proper application therefor, and this tract and any other which may be required for community use will not be leased for individual use, and no structures shall be erected or maintained upon such tract or tracts without the approval of this office.

Lessees will be required to construct substantial improvements of a value not less than \$300 within a reasonable time after execution of the lease.

The Register of the district land office will make appropriate notations

upon the records of his office and acknowledgment receipt thereof.

FRED W. JOHNSON,  
Commissioner.

[F. R. Doc. 43-18183; Filed, November 11, 1943;  
9:34 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### LOUISIANA SUGARCANE BAGASSE OPERATIONS

#### EXEMPTION FROM MAXIMUM HOURS PROVISIONS

In the matter of the application to include certain operations on sugarcane bagasse within that portion of the cane sugar processing and milling branch of the cane sugar industry in Louisiana which has been granted a partial exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938 pursuant to section 7 (b) (3) of the Act.

Whereas an application has been filed to include the artificial drying, separating into proper lengths, and grinding of bagasse resulting from the processing of sugarcane into raw sugar, syrup and molasses within that portion of the cane sugar processing and milling branch of the cane sugar industry located in Louisiana which the Administrator determined, on November 18, 1939 (4 F.R. 4615), to be an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder and, therefore, entitled to a partial exemption from the maximum hours provisions of the Act; and

Whereas it appears from the said application that (1) certain sugarcane mills in Louisiana engaged in operations which are within the scope of the present seasonal exemption subject the sugarcane bagasse to an artificial drying process in order to make it suitable for use as poultry litter, animal bedding and other uses; and (2) the bagasse is highly perishable and must be dried immediately after the crushing of the sugarcane; and (3) the drying, separating into proper lengths, and grinding of the bagasse in the sugarcane mills in Louisiana is part of a continuous operation and takes place concurrently with the processing of sugarcane into raw sugar, syrup and molasses, and does not lengthen the operating season of the sugarcane mills in Louisiana;

Now, therefore, upon consideration of the facts stated in the said application, the Administrator hereby determines, pursuant to § 526.5 (b) (ii) of regulations, Part 526, as amended, that a prima facie case has been shown for amending the determination granting an exemption under section 7 (b) (3) of the Act to that portion of the sugar-cane processing and milling branch of the cane sugar industry which is located in Louisiana, to include therein the artificial drying, separating into proper lengths, and grinding of bagasse resulting from the processing of sugarcane into raw sugar, syrup and molasses, in sugarcane proc-

essing plants in Louisiana during the sugarcane processing season.

If no objection and request for hearing is received within 15 days following the publication of this determination, the Administrator, pursuant to § 526.5 (b) (ii) of the aforesaid regulations, will make a finding upon the prima facie case.

Objections and requests for hearing from any interested person should be submitted in writing to the national office of the Wage and Hour Division, 165 West 46th Street, New York 19, New York. The application for amendment may be examined in Room 1419-A at this address.

Signed at New York, New York, this 8d day of November 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-18164; Filed, November 10, 1943;  
2:03 p. m.]

## COMMUNICATION, UTILITIES AND MISCELLANEOUS TRANSPORTATION INDUSTRIES

### NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION

Notice of hearing on the minimum wage recommendation of Industry Committee No. 69 for the Communication, Utilities and Miscellaneous Transportation Industries, to be held November 30, 1943.

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on September 28, 1943, by Administrative Order No. 221, appointed Industry Committee No. 69 for the Communication, Utilities and Miscellaneous Transportation Industries, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 69, on October 22, 1943, recommended a minimum wage rate for the Communication, Utilities and Miscellaneous Transportation Industries and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on October 25, 1943, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 69 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 69 is as follows:

That wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Communication, Utilities and Miscellaneous Transportation Industries (as defined in Administrative Order No. 221) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Communication, Utilities and Miscellaneous Transportation Industries as set forth in Administrative Order No. 221, issued September 28, 1943, is as follows:

The industry carried on by any wire or radio system of communication or by messenger service; by any concern engaged in the production and distribution of gas, electricity or steam, the distribution of water or the operation of sanitation facilities; and by any concern engaged in such transportation by rail, water, pipe line, motor vehicle, or other means, as is not covered by the wage orders for the Railroad Carrier, Property Motor Carrier and Passenger Motor Carrier industries, or in related activities, including stevedoring, consolidating, forwarding, and packing, not covered by those orders: *Provided*, That the definition shall not include any activity covered by the definition of any other industry for which the Administrator has issued a wage order or appointed an industry committee.

III. The full text of the report and recommendation of Industry Committee No. 69 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:00 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts; Old South Building, 134 Washington Street.

New York, New York; Parcel Post Building, 241 Ninth Avenue.

Newark, New Jersey; Essex Building, 81 Clinton Street.

Syracuse, New York; 301 State Tower Building.

Philadelphia, Pennsylvania; 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania; Clark Building, Liberty Avenue and Seventh Street.

Richmond, Virginia; 215 Richmond Trust Building.

Baltimore, Maryland; 401-411 Old Town Building, Gay and Fallsview Streets.

Atlanta, Georgia; Fifth Floor, Carl Witt Building, 249 Peachtree Street, N. E.

Columbia, South Carolina; Federal Land Bank Building, Hampton and Marion Streets.

Jacksonville, Florida; 456 New Post Office Building.

Raleigh, North Carolina; North Carolina Department of Labor, Salisbury and Edenton Streets.

Birmingham, Alabama; 1007 Comer Building.

New Orleans, Louisiana; 916 Richards Building, 637 Gravier Street.

Jackson, Mississippi; 404 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee; 509 Medical Arts Building.

Cleveland, Ohio; 4034 Main Post Office, West Third and Prospect Avenue.

Detroit, Michigan; David Stott Building, 1150 Griswold Street.

Cincinnati, Ohio; 1312 Traction Building, Fifth and Walnut Streets.

Chicago, Illinois; 1209 Merchandise Mart, 222 West North Bank Drive.



Minneapolis, Minnesota; 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri; 3000 Fidelity Building, 911 Walnut Street.

St. Louis, Missouri; 316 Old Customs House, 815 Olive Street.

Denver, Colorado; 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas; Rio Grande National Building, 1100 Main Street.

San Francisco, California; 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California; 417 H. W. Hellman Building, Spring and Fourth Streets.

Seattle, Washington; 305 Post Office Building, Third Avenue and Union Street.

Portland, Oregon; 208 Old United States Court House.

San Juan, Puerto Rico; Post Office Box 112.

Washington, District of Columbia; Department of Labor, First Floor.

New York, New York; 165 West 46th Street.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

IV. A public hearing will be held on November 30, 1943, before the Administrator of the Wage and Hour Division, or a representative designated to preside in his place, at 10:00 a. m. in room 1001, 165 West 46th Street, New York 19, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 69 should be approved or disapproved.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 69 may appear at the aforesaid hearing to offer evidence, either on his behalf or on behalf of any other person; *Provided*, That not later than November 27, 1943, such person shall file with the Administrator at New York, New York, a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 69.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 69 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, or by consulting with attorneys representing the Administrator who will be available for that purpose at the Office of the Solicitor, United States Department of Labor, in Washington D. C., and New York, New York.

VII. Copies of the following document relating to the Communication, Utilities and Miscellaneous Transportation Industries will be made available on request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Memorandum to Industry Committee No. 69 for the Communication, Utilities and Miscellaneous Transportation Industries*, prepared by the Economics Branch, Wage and Hour and Public Contracts Divisions, United States Department of Labor, October 1943.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or Presiding Officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the Presiding Officer or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States to any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify

exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of any amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any person appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, a complete record of the proceedings shall be filed with the Administrator. No intermediate report shall be filed unless so directed by the Administrator. If a report is filed it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at New York, New York, this 3d day of November, 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-18163; Filed, November 10, 1943; 2:03 p. m.]

#### FRUIT AND VEGETABLE PACKING AND FARM PRODUCTS ASSEMBLING INDUSTRY

#### NOTICE OF CONTINUATION OF MINIMUM WAGE RECOMMENDATION HEARING

Notice of continuation of hearing on the minimum wage recommendation of Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry, to be held December 2, 1943.

Whereas, a public hearing was held on August 26, 1943, before the undersigned as Presiding Officer, at 10:00 a. m. in Room 1001, Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 62 for the Fruit and Vegetable Packing and Farm Products Assembling Industry should be approved or disapproved;

Now, therefore, notice is hereby given that, pursuant to section 3 of the rules governing the above proceeding, the hearing will be continued on December 2, 1943, before the undersigned as Presiding Officer at 10:00 a. m. in Room 1001, 165 West 46th Street, New York, New York.

Signed at New York, New York, this 5th day of November 1943.

DONALD M. MURTHA,  
Presiding Officer.

[F. R. Doc. 43-18176; Filed, November 10, 1943;  
3:54 p. m.]

## INTERSTATE COMMERCE COMMISSION.

[Service Order 138-A]

### NEW YORK CENTRAL RAILROAD CO. ORDER VACATING ORDER FOR REROUTING FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of November, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 138 (8 F.R. 10452) of July 23, 1943, and good cause appearing therefor:

*It is ordered*, That Service Order No. 138 directing the rerouting of freight traffic routed over The New York Central Railroad Company between St. Francisville, Illinois, and Vincennes, Indiana, by routes most available to expedite its movement and prevent congestion, be, and it hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered*, That this order shall become effective at 12:01 a. m., November 11, 1943; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-18233; Filed, November 11, 1943;  
11:46 a. m.]

No. 225—4

[Service Order 163]

### DENVER AND SALT LAKE RAILROAD CO. TUNNEL REPAIR AND REROUTING OF COAL TRAFFIC

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of November, A. D. 1943.

It appearing, that due to a cave-in resulting from fire a tunnel is blocked on The Denver and Salt Lake Railway Company and that carrier is unable to transport certain coal traffic originating at Craig, Colorado, and destined to the United States Naval Ammunition Depot at Hastings, Nebraska, routed over its line to Denver, Colorado; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people:

*It is ordered*, That:

(a) *Tunnel repair—rerouting of coal traffic.* The Denver and Salt Lake Railway Company is hereby directed to forward not exceeding ten cars of coal each week originating at Craig, Colorado, routed over its line, destined to the United States Naval Ammunition Depot at Hastings (Jeffers), Nebraska, by the following route: over The Denver and Salt Lake Railway Company to Orested, Colorado, over The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees) through Dotsero, Colorado, thence over routes most available to expedite the movement of this coal traffic and prevent congestion, without regard to the routing thereof made by shippers or by carriers from which the traffic is received, or to the ownership of cars, and that all rules, regulations, and practices of said carriers with respect to car service are hereby suspended and superseded only as conflicting with the directions hereby made: *Provided*, That the billing covering all cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Rates to be applied.* Inasmuch as the routing of traffic pursuant to this order is deemed to be due to the disability of The Denver and Salt Lake Railway Company, the rates applicable to traffic routed pursuant to this order shall be the same as would have applied had the shipments moved via The Denver and Salt Lake Railway Company to Denver, Colorado.

(c) *Divisions of rates.* In executing orders and directions of the Commission provided for in this order, common carriers affected shall proceed, even though no division agreements are in effect, over the routes authorized; divisions shall be, during the time this order remains in force, voluntarily agreed upon by and between said carriers; and upon failure of said carriers to so agree, the divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act. If division agreements

now exist on the traffic affected, over the routes herein authorized, they shall not be changed or affected by this order.

(d) *Expiration date.* This order shall expire with December-15, 1943, or at the time the tunnel is reopened, unless sooner vacated, changed or extended. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

*It is further ordered*, That this order shall become effective at 12:01 a. m., November 11, 1943, and that copies of this order and direction shall be served upon The Denver and Salt Lake Railway Company and The Denver and Rio Grande Western Railroad Company (Wilson McCarthy and Henry Swan, Trustees), and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-18234; Filed, November 11, 1943;  
11:46 a. m.]

## OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Dissolution Order 1]

### COTTON EXPORT TRADING COMPANY, INC.

Whereas, by Vesting Order No. 639, dated January 6, 1943 (8 F.R. 1694, February 6, 1943), the undersigned vested all the issued and outstanding shares of the capital stock of Cotton Export Trading Company, Inc., a Texas corporation, and undertook the direction, management, supervision and control of said corporation; and

Whereas, by said vesting order above-designated, the undersigned vested all claims of any name or nature whatsoever of John Lyon & Co., Inc., Gothenburg, Sweden, and Boden & Haac, Bremen, Germany, against said corporation, and

Whereas, Cotton Export Trading Company, Inc., has been substantially liquidated under the supervision of the undersigned,

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that the books and records of Cotton Export Trading Company, Inc., indicate that the corporation is indebted to John Lyon & Co., Gothenburg, Sweden, in the sum of \$10,045.00 and to Boden & Haac, Bremen, Germany, in the sum of \$932, and to Cotonificio Bresciano Ottoloni of Milan, Italy, in the sum of \$163.66; and

2. Finding that the said claims are all the known claims against Cotton Export Trading Company, Inc.; and

3. Finding that the undersigned has incurred direct expense, to and including September 30, 1943 (exclusive of general administrative expenses of the Office of Alien Property Custodian) in connection with service rendered to said Cotton Export Trading Company, Inc., amounting to \$440.83; and

4. Determining that it is in the national interest of the United States to dissolve the said corporation and to distribute its assets;

*It is ordered*, That the president and directors of the Cotton Export Trading Company, Inc., to-wit: Fred B. Cable, president and director, Andrew F. Smyth, director, and J. R. Chumney, director, shall cause the dissolution of Cotton Export Trading Company, Inc., in accordance with the statutes of the State of Texas in such cases made and provided;

*And it is further ordered*, That the said president and directors above-named wind up the affairs of said corporation and distribute the assets thereof coming into their possession as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof;

(b) They shall then pay all known taxes and fees of the United States and of the State of Texas owed by or accruing against said corporation; and

(c) They shall then pay to the undersigned the sum of \$440.83 as reimbursement for the value of services rendered said corporation by the undersigned as above set forth; and

(d) They shall then pay to the undersigned the sums set forth above and claimed to be owing by the corporation on the claims vested as aforesaid by the undersigned, and on the claim of Cotonificio Bresciano Ottolini of Milan, Italy, the latter to be blocked by the undersigned; such payments to be prorated in the event the remaining assets are insufficient to permit of payment of said claims in full; and

(e) They shall then distribute and pay over to the undersigned as the holder of all the outstanding and issued stock of the corporation, all other funds and property, if any, remaining in their hands after the payments as aforesaid;

*And it is further ordered*, That nothing herein set forth shall be construed as prejudicing the rights, under the laws of the State of Texas, of any person who may claim against said corporation; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such persons; and such persons or any of them may file claims with the undersigned against any funds or property received by the undersigned as stockholder or creditor as above set forth; *Provided, however*, That any such claim shall be filed with or presented to the undersigned within the time prescribed for such claims by the Statutes of Texas;

*And it is ordered*, That all actions taken and acts done by the president and directors of Cotton Export Trading Company, Inc., above-named, pursuant to this order and the directions contained therein shall be deemed to have been taken in reliance on and pursuant to subdivision 2 of section 5 (b) of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided for therein.

Executed at Washington, D. C., October 26, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18203; Filed, November 11, 1943; 11:13 a. m.]

[Dissolution Order 2]

MIDLAND INVESTMENT CO.

In re: Midland Investment Company, an Illinois corporation.

Whereas, by Vesting Order No. 70, dated July 30, 1942 (7 F.R. 6504, August 18, 1942), the undersigned vested all the issued and outstanding shares of the capital stock of Midland Investment Company, an Illinois corporation; and

Whereas, Midland Investment Company has been substantially liquidated,

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that all known claims and demands against and liabilities of Midland Investment Company have been paid, satisfied and discharged; and

2. Determining that it is in the national interest of the United States to dissolve the said corporation and to distribute its assets;

*It is ordered*, That the officers and directors of Midland Investment Company, to-wit: C. E. Bergherm, president and director, C. W. McIntosh, secretary, treasurer and director, and E. M. Bowman, director, shall cause the dissolution of Midland Investment Company, in accordance with the statutes of the State of Illinois in such cases made and provided; *And it is further ordered*, That the said officers and directors above-named wind up the affairs of said corporation and distribute the assets thereof coming into their possession, as follows:

(a) They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of said corporation and the dissolution thereof, if any;

(b) They shall then pay all known taxes and fees of the United States and of the State of Illinois owed by or accruing against said corporation, if any;

(c) They shall then distribute and pay over to the undersigned as holder of all of the outstanding and issued stock of the corporation, all other funds and property remaining in their hands after the payments as aforesaid;

*And it is further ordered*, That nothing herein set forth shall be construed as prejudicing the rights, under the laws of the State of Illinois, of any person who may claim against said corporation; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such persons; and such persons or any of them may file claims with the undersigned against any funds or property received by the undersigned as stockholder as above set forth; *Provided, however*, That any such claim shall be filed with or presented to the undersigned within the time prescribed for such claims by the Statutes of Illinois;

*And it is ordered*, That all actions taken and acts done by the officers and directors of Midland Investment Company, above-named, pursuant to this order and the directions contained therein shall be deemed to have been taken in reliance on and pursuant to subdivision 2 of section 5 (b) of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided for therein.

Executed at Washington, D. C., November 6, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18204; Filed, November 11, 1943; 11:13 a. m.]

[Vesting Order 2121]

DOMINIK SLOKAR

Re: Real property and bank account owned by Dominik Slokar.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Dominik Slokar is No. 47—Via San Lorenzo, Aldussina, Slocari, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That Dominik Slokar is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:  
a. Real property situated in Cleveland, Ohio, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of Dominik Slokar in and to a certain bank account in The Cleveland Trust Company, East Ninth Street and Euclid Avenue, Cleveland, Ohio, which is due and owing to, and held for and in the name of Dominik Slokar, including but not limited to all security rights in and to any and all collateral for any and all such accounts, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraph 3-b above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not na-

tionals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 7, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

[F. R. Doc. 43-18031; Filed, November 8, 1943;  
11:13 a. m.]

[Vesting Order 2257]

**REAL PROPERTY AND CLAIMS OWNED BY  
ERMINIA BINDA**

Re: Real property and claims owned by Erminia Binda, also known as Mrs. E. Binda.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Erminia Binda, also known as Mrs. E. Binda, is 25 Via F. Corridoni, Laveno Prov. Varese, Italy, and that she is a resident of Italy, and a national of a designated enemy country (Italy);

2. That Erminia Binda, also known as Mrs. E. Binda, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:  
(a) Real property situated in Bibb County, Georgia, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

(b) All right, title, interest and claim of any name or nature whatsoever of Erminia Binda, also known as Mrs. E. Binda, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Erminia Binda, also known as Mrs. E. Binda, by A. T. Holt Company and represented on the books of A. T. Holt Company as a credit balance due Mrs. E. Binda, including but not

limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and

(c) All right, title, interest and claim of any name or nature whatsoever of Erminia Binda, also known as Mrs. E. Binda, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Erminia Binda, also known as Mrs. E. Binda, by Dessau Realty & Insurance Company and represented on the books of Dessau Realty & Insurance Company as a credit balance due Mrs. E. Binda, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3 (b) and 3 (c) above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3 (a) above) belonging to the same national of the same designated enemy country and subject to vesting (and, in fact, vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL]

LEO T. CROWLEY,  
*Alien Property Custodian.*

**EXHIBIT A**

All those tracts or parcels of land situated in the County of Bibb, State of Georgia, more particularly described as follows:

**PARCEL I**

That certain tract or parcel of land situated in the East Macon District and more fully known as a part of the O'Connell property, and being lot number forty-six (46) in block C as per map made by H. D. Cutter, C. E. recorded in Book 72, folio 265, in Clerk's Office, Bibb Superior Court. Said lot having a frontage of Fifty Seven and one half (57½) feet on Main St. and running back even width a distance of Seventy five (75) feet.

**PARCEL II**

Lots Number three, five and eleven in Block B and lot number five in Block C of the subdivision of the O'Connell property, located on the East Side of the Ockulgee River in the City of Macon, plat of said sub-division recorded in the Clerk's Office, Bibb Superior Court, Book 72 Page 265 to which tract reference is hereby made for more complete description. Said lot no. 5 faces Main Street, sixty two feet, and extends back along a thirty-foot street seventy five feet. Lots five and eleven in Block B are fifty feet wide and ninety feet deep. Lot five in block C is fifty feet wide and extends back fifty seven and one half (57½) feet. Being part of the property conveyed by Mary C. Groves Administratrix of the estate of Cornelius O'Connell to J. R. Hicks, Jr. and J. L. Mullally by deed dated Oct. 7-1916 recorded in book 222 folio 77, Clerk's Office Bibb Superior Court and by them conveyed to A. Binda by warranty deed dated Dec. 26-1918 and recorded in Book 238, folio 254 Clerk's Office, Bibb Superior Court.

**PARCEL III**

Lots one (1) and two (2) in Section C according to a plat of the O'Connell property in the East Macon District according to the division thereof in the partition proceedings of E. P. O'Connell et al in Bibb County Superior Court and in which Court Record the said plat is recorded in Book 72 folio 265 and said lots falling to E. P. O'Connell under such partition proceedings, being the same property deeded to A. Binda by the said E. P. O'Connell on the 16 day of August 1910 and recorded in Book 159 folio 794 Clerk's Office Bibb Superior Court.

**PARCEL IV**

Lot four in Block B (4 Block B) of the O'Connell property in East Macon District City of Macon, fronting fifty (50) feet on a street and running back with even width ninety six (96) feet, and shown on plat in Book 72, folio 265, Clerk's Office, Bibb Superior Court, being the same property deeded to A. Binda by warranty deed from Mrs. E. V. Pettit, Nov. 13-1920, said deed being recorded in Book 251 Folio 592 Clerk's Office, Bibb Superior Court.

**PARCEL V**

That certain tract or parcel of land situated in the East Macon District known as Lot eight (8) in Block twelve (12) of Fairview according to map of said Fairview recorded in Book P. P. folio 704, Clerk's Office, Bibb Superior Court fronting fifty feet on Applewood Street and running back with equal width along Third Ave. one hundred and twenty five feet being located on the corner of said streets. This is the same lot conveyed by warranty deed to grantor by J. W. Markham and recorded in Book 220, Folio 106, Clerk's Office, Bibb Superior Court.

**PARCEL VI**

Those certain tracts or parcels of land known as numbers four (4) and forty three (43) in Block C of sub-division of C. O'Con-

nell land in East Macon District shown on plat of said property, recorded in Book seventy-two (72) folio 265, Clerk's Office, Bibb Superior Court, each of said lots being fifty by fifty-seven and one half feet fronting on a thirty foot street as shown in said plat and being part of property awarded to grantor in division of said estate of said C. O'Connell as shown by partition proceedings in Bibb Superior Court, being No. 9 Motion Docket, November Term 1907. This is the same property granted to Grantor by Mrs. Kate Petit and recorded in Book 188 Folio 399, Clerk's Office, Bibb Superior Court.

## PARCEL VII

Those certain tracts or parcels of land situated in the East Macon District being in lot thirty one of the Woolfolk property consisting of five houses and lots in said block, the first of said tracts fronting fifty-two and one half feet on Woolfolk street in Southeast quarter of said block thirty-one, and running back on East side of a 17 foot alley running through said block 210 feet to another 17 foot alley on the north of the property conveyed with equal width said tract having three houses thereon, also a tract in the southwest quarter of said Block 31 fronting a seventeen foot alley on the north fifty-two and a half feet, running back with equal width one hundred and ten feet, having two houses thereon, bounded on south by property of W. E. Edwards formerly bounded on East by J. W. Howard lot and north by said alley, said lot being fifty-two and a half feet west by seventeen foot alley which runs north and south through said block. This is the same property conveyed by warranty deed to A. Binda by Macon Securities Company and recorded in Book 219, Folio 703, Clerk's Office, Bibb Superior Court.

## PARCEL VIII

That certain tract or parcel of land situated in the East Macon District known as Lot No. 45 in Block C of the O'Connell property as per plat recorded in Book 72, folio 265, Clerk's Office, Bibb Superior Court, said lot having a frontage of fifty feet on alley and extending back with even width fifty-seven and one half (57½) feet.

## PARCEL IX

That certain tract or parcel of land situated in the City of Macon and known in the plan of said city as part of Lots E and F in Block 2 Sq. EmP-10. The house on said lot known as 212 North Edison (formerly Ash) Street, in the City of Macon and bounded as follows: On one side by North Edison (formerly Ash) Street; on another side by Chestney; on another side by Curry-Thomas; on another side by an Alley.

Marshall's deed recorded in Office of Bibb Superior Court:

Year 1921 Book 268 Folio 63.

Year 1924 Book 268 Folio 406.

Year 1925 Book 268 Folio 548.

Marshall sold in the name of George Evans.

[F. R. Doc. 43-18196; Filed, November 11, 1943; 11:13 a. m.]

## [Vesting Order 2258]

## BOND, MORTGAGE, AND CLAIM OF WILHELM AND ROSA LAUKHUF

Re: Bond and mortgage, junior interest in a bond and mortgage, and claim owned by Wilhelm Laukhuf and Rosa Laukhuf, his wife.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Wilhelm Laukhuf and Rosa Laukhuf, his wife, is

Bretzfeld, Kreis Ohringen, Wurttemberg, Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Wilhelm Laukhuf and Rosa Laukhuf, his wife, are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:  
a. A mortgage executed on October 19, 1928 by Hedwig Lukins and recorded on October 23, 1928 in the Register's Office of Kings County, New York, in Liber 7168 of Mortgages, Page 207, which was assigned to Wilhelm Laukhuf and Rosa Laukhuf, his wife, by unrecorded assignment dated October 19, 1928, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, and other instruments evidencing such obligations, and

b. The \$500 junior interest in a mortgage executed on April 2, 1930 by the Staff Realty Corp. and recorded on April 7, 1930 in the Register's Office of Queens County, New York, in Liber 3884 of Mortgages, Page 122, which interest was assigned to Wilhelm Laukhuf and Rosa Laukhuf, his wife, by unrecorded assignment dated January 29, 1932, and any and all obligations secured by the interest in said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations, and

c. All right, title, interest and claim of any name or nature whatsoever of Wilhelm Laukhuf and Rosa Laukhuf, his wife, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Wilhelm Laukhuf and Rosa Laukhuf, his wife, and each of them, by August C. Laukhuf, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against August C. Laukhuf arising out of the management of the property described in subparagraphs 3-a and 3-b hereof,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely that property described in subparagraphs 3-a and 3-b hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the inter-

est, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 22, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18197; Filed, November 11, 1943; 11:13 a. m.]

## [Vesting Order 2268]

## REAL PROPERTY AND CLAIM OF ANNA BORMANN ET AL.

Re: Interests in real property and a claim owned by Anna Bormann and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Anna Bormann, also known as Anna Marie Alwine Elise Bormann, is Dresden, Germany; Fritz Bormann is Leipzig, Germany; Walter Bormann is Belgersheim, Germany; Curt Bormann is Leipzig, Germany; Paul Bormann is Dresden, Germany; Walter Bormann is Dresden, Germany; Gertrud Handel is Pulsnitz, Germany; Elisabeth Gübel is Berlin, Germany; Ernst Arthur August Bormann is Weiszig, near Freital, Germany; Herbert Alwin Paul Bormann is Heidenau District, Dresden, Germany; and Erna Anna Lauckner is Leipzig, Germany, and they are residents of Germany and nationals of a designated enemy country (Germany);

2. That the above-described persons are the owners of the property described in subparagraph 4-a hereof;

3. That Anna Bormann, also known as Anna Marie Alwine Elise Bormann, Fritz Bormann, Walter Bormann, Gertrud Handel, Curt Bormann, Paul Bormann, Walter Bormann, and Elisabeth Gübel are the owners of the property described in subparagraph 4-b hereof;

4. That the property described as follows:  
a. Real property situated in Camden County, New Jersey, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all heredita-



ments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of the persons named in paragraph 3 hereof in and to the sum of \$125.36 constituting a portion of a certain bank account in the Philadelphia National Bank, Philadelphia, Pennsylvania, which is due and owing to, and held for the persons named in paragraph 3 hereof, in the name of Mowitz & Kohlhas, attorney account, including but not limited to all security rights in and to any and all collateral for any or all of such accounts or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property in subparagraph 4-b hereof is necessary for the maintenance or safeguarding of other property (namely, part of that property described in subparagraph 4-a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 23, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

#### EXHIBIT A

All the following described lot or piece of land with the buildings thereon erected, lying and being in the Township of Pencauken, County of Camden, State of New Jersey, described as follows:

Beginning at a point in the south side of Irving Avenue 480 feet west of the junction of Irving Avenue and Centre Street, and containing in front westwardly on Irving Avenue 40 feet, and running thence southwardly between parallel lines of that width at right angles to Irving Avenue 110 feet in length or depth.

Being the same premises which Ferdinand Zindel (widower) by Indenture bearing date the 23rd day of May A. D. 1921, and recorded in the Office of the Register of Deeds of Camden County in Book 485 of Deeds, page 419 &c., granted and conveyed unto Ernst Bormann and Marie Bormann, his wife.

Together with all and singular, the buildings, improvements, woods, ways, rights, liberties, privileges, hereditaments and appurtenances, to the same belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and the profits thereof, and of every part and parcel thereof.

[F. R. Doc. 43-18198; Filed, November 11, 1943; 11:13 a. m.]

[Vesting Order 2298]

#### DODGE SEDAN OWNED BY K. TAKAHASHI

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That K. Takahashi, also known as Kyohel Takahashi, is a resident of Japan and a national of a designated enemy country (Japan);

2. That K. Takahashi is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: One Dodge Fluid Drive Luxury Liner, five passenger, 4-door Sedan, and equipment, 1941 model, Engine No. D-19-41312, owned by K. Takahashi, also known as Kyohel Takahashi, and presently stored in the Olympic Garage, 507 University Street, Seattle, Washington,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be

paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18199; Filed, November 11, 1943; 11:13 a. m.]

[Vesting Order 2303]

#### TRUST ON REAL PROPERTY OF LEO BIAGIOTTI

Re: A deed of trust on real property in Richmond, Virginia, owned by Leo Biagiotti.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Leo Biagiotti is Prova Lucca, Barga, Italy, and that he is a resident of Italy and a national of a designated enemy country (Italy);

2. That the said Leo Biagiotti is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. All right, title and interest of Leo Biagiotti in and to any and all obligations secured by a deed of trust which was executed on September 15, 1936 by Renato Castelvocchi and Quintilla Castelvocchi, his wife, to H. T. Richeson, Trustee, and recorded September 24, 1936, in the Clerk's Office, Richmond Chancery Court, Richmond, Virginia, in Deed Book 404-A, page 385, including but not limited to all security rights in and to any and all collateral (including the aforesaid deed of trust) for any or all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations,

b. All right, title, interest and claim of Leo Biagiotti in and to that certain trust estate created by the deed of trust above described, including specifically any and all claims arising out of the management of the said deed of trust, and

c. All right, title, interest and claim of Leo Biagiotti in and to the sum of \$500 constituting a portion of a certain bank account in the First and Merchants National Bank, Richmond, Virginia, which is due and owing to and held for and in the name of Leo Biagiotti, including but not limited to all security rights in and to any and all collateral, for any or all of such accounts or portion thereof, and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

And determining that the property described in subparagraphs 3-b and 3-c above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3-a above) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Italy);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances, and other rights of record, held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one, or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18200; Filed, November 11, 1943;  
11:13 a. m.]

[Vesting Order 2304]

REAL PROPERTY, ETC., OWNED BY MARTHA ARNDT, ET AL.

Re: Real property, claims, and insurance policy owned by Martha Arndt, Wilhelm Madantz, Clara Madantz, Hedwig Madantz, Elfrieda Madantz, and Martha Madantz.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Martha Arndt and Clara Madantz is Coburg, Germany, the last known address of Wilhelm Madantz is Hamburg, Germany, and the last known address of Hedwig Madantz, Elfrieda Madantz and the widow of Paul Madantz, whose name upon information and belief is Martha Madantz, is Waldenburg, Schlesien, Germany; and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Martha Arndt, Clara Madantz, Wilhelm Madantz, Hedwig Madantz, Elfrieda Madantz and the widow of Paul Madantz, whose name upon information and belief is Martha Madantz, are the owners of the property described in subparagraphs 4-a, 4-b, and 4-c hereof;

3. That Martha Arndt, Clara Madantz, Wilhelm Madantz, Hedwig Madantz, and Elfrieda Madantz are the owners of the property described in subparagraph 4-d hereof;

4. That the property described as follows:

a. Real property situated in Multnomah County, Oregon, and described as Lots 1 and 2, Block 17, Lincoln Park Annex, in the City of Portland, County of Multnomah, State of Oregon, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title, interest and claim of any name or nature whatsoever of Martha Arndt, Wilhelm Madantz, Clara Madantz, Hedwig Madantz, Elfrieda Madantz and the widow of Paul Madantz, whose name upon information and belief is Martha Madantz, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Martha Arndt, Wilhelm Madantz, Clara Madantz, Hedwig Madantz, Elfrieda Madantz and the widow of Paul Madantz, whose name upon information and belief is Martha Madantz, and each of them, by Robert G. Clostermann, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against Robert G. Clostermann arising out of the management of the property described in subparagraph 4-a hereof,

c. All right, title and interest of Martha Arndt, Wilhelm Madantz, Clara Madantz, Hedwig Madantz, Elfrieda Madantz and the widow of Paul Madantz, whose name upon information and belief is Martha Madantz, and each of them, in and to fire insurance policy No. D 119141 issued by the Travelers Fire Insurance Company of Hartford, Connecticut, insuring the premises described in subparagraph 4-a above, and

d. All right, title, interest and claim of any name or nature whatsoever of Martha Arndt, Wilhelm Madantz, Clara Madantz, Hedwig Madantz and Elfrieda Madantz in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Martha Arndt, Wilhelm Madantz, Clara Madantz, Hedwig Madantz and Elfrieda Madantz, and each of them, by Robert G. Clostermann and particularly those obligations evidenced by five promissory notes each in the sum of \$898.25 dated May 12, 1941, and made by Robert G. Clostermann, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of the notes, or other instruments, evidencing such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 4-b and 4-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 4-a

hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18201; Filed, November 11, 1943;  
11:13 a. m.]

[Vesting Order 2305]

DEEDS OF TRUST, ETC., OF MITSUO HOSAKA AND YOSHIYE OGAWA

Re: Real property, deeds of trust, printing equipment, and claim owned by Mitsuo Hosaka and Yoshiye Ogawa.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known addresses of Mitsuo Hosaka and Yoshiye Ogawa are Yamanichi-Ken and Okunota-mura, Japan, and Tokyo, Adachiku Nakamachi 74, Japan, respectively, and that they are residents of Japan and nationals of a designated enemy country (Japan);

2. That Mitsuo Hosaka and Yoshiye Ogawa are the owners of the property described in subparagraphs 4-a, 4-b, and 4-c hereof;

3. That Mitsuo Hosaka is the owner of the property described in subparagraphs 4-d and 4-e hereof;

4. That the property described as follows:

a. Real property, situated in San Francisco County, California, particularly described in Exhibits A, B, and C, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. Certain printing equipment, particularly described in Exhibit D,<sup>1</sup> attached hereto and by reference made a part hereof, which is located at 1737 Sutter Street, San Francisco, California,

c. All right, title, interest and claim of any name or nature whatsoever of Mitsuo Hosaka and Yoshiye Ogawa in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Mitsuo Hosaka and Yoshiye Ogawa by Guy C. Calden, and represented on the books of Guy C. Calden as a credit balance due Mitsuo Hosaka and Yoshiye Ogawa, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations,

d. A certain deed of trust executed by the California Street Laundry Company of San Francisco, California, on May 27, 1935, in favor of Mitsuo Hosaka, as beneficiary, and recorded in the Office of the Recorder for the City and County of San Francisco, on June 3, 1935, in Book 2795 of Official Records at page 359, and any and all obligations secured by said deed of trust, including but not limited to all security rights in and to any and all collateral (including the aforesaid deed of trust) for any and all such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations, and

e. A certain deed of trust executed by the California Street Laundry Company of San Francisco, California, on February 9, 1937, in favor of Mitsuo Hosaka, as beneficiary, and recorded in the Office of the Recorder for the City and County of San Francisco, on February 16, 1937, in Book 3096 of Official Records at page 323, and any and all obligations secured by said deed of trust, including but not limited to all security rights in and to any and all collateral (including the aforesaid deed of trust) for any and all such obligations, and the right to enforce and collect such obligations, and the right to the possession of any and all notes, or other instruments evidencing such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that the property described in subparagraph 4-c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 4-a, 4-b, 4-d and 4-e hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

<sup>1</sup>Filed as part of the original document.

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest, hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 30, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

#### EXHIBIT A

All that certain real property situate, lying and being in the City and County of San Francisco, State of California, described as follows, to wit:

Beginning at a point on the northerly line of Post Street, distant thereon 125 feet westerly from the westerly line of Laguna Street; and running thence westerly along said line of Post Street 25 feet; thence at a right angle northerly 137 feet and 6 inches; thence at a right angle easterly 12 feet and 6 inches; thence at a right angle southerly 12 feet and 6 inches; thence at a right angle easterly 12 feet and 6 inches; and thence at a right angle southerly 125 feet to the point of beginning.

Being portion of Western Addition Block No. 232.

#### EXHIBIT B

All that certain real property situate, lying and being in the City and County of San Francisco, State of California, described as follows, to wit:

Beginning at a point on the southerly line of Sutter Street, distant thereon 137 feet and 6 inches westerly from the westerly line of Laguna Street; running thence westerly and along said line of Sutter Street 34 feet and 4½ inches; thence at a right angle southerly 137 feet and 6 inches; thence at a right angle easterly 34 feet and 4½ inches; thence at a right angle northerly 137 feet and 6 inches to the point of beginning.

Being part of Western Addition Block No. 232.

#### EXHIBIT C

All that certain real property situate, lying and being in the City and County of San Francisco, State of California, described as follows, to wit:

Beginning at a point on the southerly line of California Street, distant thereon 165 feet and 6 inches easterly from the easterly line of Larkin Street; and running thence easterly along said line of California Street 27 feet and 6 inches; thence at a right angle southerly 137 feet and 6 inches; thence at a right angle westerly 27 feet and 6 inches; and thence at a right angle northerly 137 feet and 6 inches to the point of beginning.

Being part of 50 Vara Block No. 308.

[F. R. Doc. 43-18202; Filed, November 11, 1943; 11:14 a. m.]

#### [Vesting Order 2306]

#### MORTGAGE OWNED BY TSUKASA AND TOMOE KIYONO

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Tsukasa Kiyono, also known as T. Kiyono and Tomoe Kiyono, his wife, is 170 Nichome, Haryiku, Shibuya, Tokyo, Japan, and that they are residents of Japan and nationals of a designated enemy country (Japan);

2. That Tsukasa and Tomoe Kiyono are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

A certain mortgage executed by Ivy M. Hare, and Rena Hare, his wife, as mortgagors, on July 15, 1941, in favor of T. Kiyono, as mortgagee, and recorded in Mortgage Book Number 176, N. S. page 505, of the Probate Court of the County of Mobile, State of Alabama, and any and all obligations secured by said mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds, or other instruments evidencing such obligations,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such prop-

erty or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or with such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on September 30, 1943.

[SEAL] LEO T. CROWLEY,  
Alien Property Custodian.

[F. R. Doc. 43-18216; Filed, November, 11 1943;  
11:16 a. m.]

## OFFICE OF DEFENSE TRANSPORTATION.

[Rev. ODT 3, Supp. Order 1A]

AERO MAYFLOWER TRANSIT COMPANY, ET AL.  
REGISTRATION OFFICE AT INDIANAPOLIS, IND.,  
FOR HOUSEHOLD GOODS MOTOR CARRIERS

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of household goods, filed with the Office of Defense Transportation by Aero Mayflower Transit Company, Indianapolis, Indiana; Greyvan Lines, Inc., Chicago, Illinois; United Van Lines, Inc., St. Louis, Missouri; and North American Van Lines, Cleveland, Ohio, hereinafter collectively designated as "carriers", as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582), and the application of the carriers for leave to transfer to Indianapolis, Indiana, the registration office heretofore established by such carriers at Chicago, Illinois, and good cause appearing therefor, *It is hereby ordered, That:*

1. The carriers and each of them, respectively, shall discontinue the operation of the registration office established at Chicago, Illinois, in accordance with Supplementary Order ODT 3, Revised-1 (7 F.R. 7209), and, in the transportation of household goods as common carriers by motor vehicle, shall establish an office (hereinafter referred to as "registration office") at Indianapolis, Indiana, to facilitate the movement of shipments in the following manner:

(a) Each carrier shall register with the registration office shipments which the carrier may be unable to transport by reason of the restrictions contained in General Order ODT 3, Revised, as amended;

(b) Each carrier shall register with the registration office all empty or par-

tially loaded equipment for which the carrier has no shipments available;

(c) The manager or employees of the registration office shall advise the carriers as to shipments registered and empty equipment or the unloaded space therein which is available: *Provided*, That nothing herein contained shall be construed to authorize the manager or any employee of the registration office to dispatch equipment, direct traffic, or exercise any supervision or control over the movement of any shipment, or part thereof, in any manner whatsoever;

(d) The manager of the registration office, and each carrier, shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation; and

(e) The cost of maintaining the registration office shall be apportioned among the carriers as they shall agree on, or in the event the carriers are unable to agree thereon, shall be apportioned as the Office of Defense Transportation shall determine and direct.

2. Shipments exchanged pursuant to this order shall be exchanged in accordance with the following conditions:

(a) All shipments shall be transported to point of destination on the bill of lading of the carrier with whom the shipper entered into the contract of carriage;

(b) Except as may be otherwise provided by agreement between the interested carriers or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenue derived from transportation of a shipment exchanged, and from storage in transit, packing and unpacking, and other accessorial services pertaining thereto, shall be as determined and directed by the Office of Defense Transportation;

(c) The rates and charges applicable to the transportation, storage in transit, packing and unpacking, and other accessorial services performed in respect of any shipment shall be the lawfully applicable rates and charges of the carrier with whom the shipper entered into the contract of carriage;

(d) The duties and obligations of the originating carrier to the shipper shall not be altered by an exchange made pursuant hereto; and

(e) The carriers shall not exchange shipments with each other except as provided herein.

3. Any common carrier by motor vehicle, duly authorized or permitted to engage in the transportation of household goods, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the functioning of the registration office established pursuant thereto. A copy of every such application shall be served upon

the manager of the registration office. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the functioning of the registration office in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named herein.

4. Nothing contained in this order shall be so construed or applied as to relieve any carrier subject hereto from registering with joint information offices and obtaining clearance certificates as provided in General Order ODT 13, as amended (7 F.R. 5066, 5678), or required by any other General Order, or as to relieve any carrier from any other requirements of the Office of Defense Transportation, or from any other regulatory or legal requirement, or as to require or permit any carrier to perform any transportation service not authorized or sanctioned by law, or to render any service beyond its transportation capacity, or to alter its legal liability to any shipper or other carrier.

5. Each carrier subject to this order engaged in interstate transportation shall file a copy of this order with the Interstate Commerce Commission, and, if engaged in intrastate commerce, shall file a copy hereof with each appropriate State regulatory body having jurisdiction over any operations affected hereby.

6. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-1A," and unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This Supplementary Order ODT 3, Revised-1A shall become effective and shall supersede Supplementary Order ODT 3, Revised-1 on November 15, 1943.

Issued at Washington, D. C., this 11th day of November 1943.

JOSEPH B. EASTMAN,  
Director.

Office of Defense Transportation.

[F. R. Doc. 43-18189; Filed, November 11, 1943;  
10:50 a. m.]

[Rev. ODT 3, Supp. Order 100]

GILLETTE MOTOR TRANSPORT, INC. AND  
COUCH TRANSFER & STORAGE CO.,  
INC.

COORDINATED OPERATIONS BETWEEN POINTS  
IN OKLAHOMA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Gillette Motor Transport, Inc., Dallas, Texas, and Couch Transfer & Storage Co., Inc., Ada, Oklahoma, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended,<sup>1</sup> a copy of which plan is attached hereto as Appendix 1,<sup>2</sup> and

<sup>1</sup> 7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582.

<sup>2</sup> Filed as part of the original document.

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate

the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 100," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective November 15, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 11th day of November 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-18190; Filed, November 11, 1943;  
10:50 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

[Order A-2 Under MPR 188, Amdt. 6]

##### STORE FIXTURE MANUFACTURERS

##### ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 6 to Order No. A-2 adjustment provisions for particular commodities under Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

An opinion accompanying this amendment to Order No. A-2 under § 1499-159b of Maximum Price Regulation No. 188 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Order No. A-2 under Maximum Price Regulation No. 188 is amended in the following respect:

1. A new paragraph (a) (7) is added as follows:

(7) *Store fixtures.* (i) This adjustment provision permits the granting of relief to store fixture manufacturers who have customarily sold on long term contracts and who are unable to continue production of these store fixtures under their existing maximum prices, whenever the loss of such manufacturers' production would result in higher prices to these customers. An adjustment may be granted if it appears:

(a) That the manufacturer's established maximum prices for sales of store fixtures to a particular customer are below his total costs to make and sell and are lower than the highest price at which the manufacturer entered into a contract during or prior to March 1942, to sell such fixtures to that purchaser.

(b) That the loss of the manufacturer's output of such store fixtures would result in higher prices to the purchaser for the same or comparable store fixtures.

(ii) Application for adjustment under this provision must be made in accordance with the provisions of Revised Procedural Regulation No. 1.

(iii) Any adjustment granted will not exceed the highest contract price for these items in effect during March 1942, to each purchaser and in no instance will maximum prices be increased to a level in excess of the general level of prices prevailing for other store fixtures.

This amendment shall become effective November 11, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 10th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18180; Filed, November 10, 1943;  
4:08 p. m.]

[Order 290 Under MPR 120]

BITUMINOUS COAL IN APPANOOSE COUNTY,  
IOWA

##### ORDER GRANTING ADJUSTMENTS

Order No. 290 under Maximum Price Regulation No. 120: Bituminous Coal Delivered From Mine or Preparation Plant; (Docket No. 3120-491). Granting adjustment to all mines of Appanoose County, Iowa, in District No. 12.

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120: *It is ordered:*

(a) Coals produced at any and all mines located in Appanoose County, Iowa, in District No. 12, for shipment by rail, truck, and wagon, and for railroad fuel use, may be sold and purchased at prices not to exceed the presently established maximum prices for the particular coals plus thirty-five cents per net ton f. o. b. the mine.

(b) This Order No. 290 may be revoked or amended at any time.

(c) All prayers of the applicants not granted herein are hereby denied.

(d) Unless the context otherwise requires the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

(e) This Order No. 290 shall become effective November 11, 1943.

(f) This relief shall not be effective after May 1, 1944.

(55 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of November 1943.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 43-18181; Filed, November 10, 1943;  
4:08 p. m.]

##### Regional and District Office Orders.

[Region I Order G-1 Under MPR 183]

##### BRICKS IN NEW ENGLAND

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the

\*8 F.R. 14560.



Regional Administrator of Region I of the Office of Price Administration by § 1499.161 (a) (2) of Maximum Price Regulation No. 188, as amended; *It is hereby ordered:*

(a) Each manufacturer of common sandstruck bricks whose plants is located in New England is hereby authorized to increase by not more than \$2.00 per thousand his maximum prices established under §§ 1499.153, 1499.155, 1499.156 or 1499.157 of Maximum Price Regulation No. 188, as amended, for each grade of such bricks sold and delivered to each class of purchasers.

(b) No seller covered by this order shall change his customary allowances, discounts, or other price differentials unless such change results in a price no higher than the maximum price permitted by this order (after applying the applicant's customary allowances, discounts or other price differentials).

(c) Distributors who purchase bricks from manufacturers at the higher maximum prices established by this order may increase their maximum resale prices for bricks so purchased by the exact amount of the dollars and cents increase in the cost to them resulting from this order, or by \$2.00 per thousand, whichever is less. On or before his first delivery of bricks to each distributor at his new maximum price, each manufacturer shall give written notification to such distributor of the provisions of this paragraph, shall set forth in such notice the exact amount of the increase the distributor is permitted to make in his maximum price upon resale and shall file a copy of each such statement with the Boston Regional Office of the Office of Price Administration, Boston, Massachusetts.

(d) This order applies to all sales pursuant to which the buyer receives physical delivery of the commodity in New England.

(e) The definitions set forth in § 1499.163 of Maximum Price Regulation No. 188 shall apply to the terms used in this order.

(f) Except as otherwise provided in this order, each manufacturer covered by this order shall remain subject to all the provisions of Maximum Price Regulation No. 188, as amended, and each distributor shall remain subject to all the provisions of the General Maximum Price Regulation, as amended.

(g) This order may be revoked, amended, or corrected at any time.

(h) This order shall become effective October 20, 1943, at 12:01 a. m.

Issued October 20, 1943.

K. B. BACKMAN,  
Regional Administrator.

[F. R. Doc. 43-18170; Filed, November 10, 1943;  
11:47 a. m.]

[Region I Order G-16, Amdt. 7]

#### FLUID MILK IN MASSACHUSETTS

Amendment No. 7 to Order G-16 under § 1499.18 (c) of the General Maximum Price Regulation, § 1351.807 of Maximum Price Regulation 280, and § 1351.408 of Maximum Price Regulation 329. Fluid

milk in the Commonwealth of Massachusetts. (Formerly General Order 16.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation 15 to the General Maximum Price Regulation, as amended by § 1351.807 of Maximum Price Regulation No. 280, as amended, and by § 1351.408 of Maximum Price Regulation No. 329, as amended, it is hereby ordered, that subparagraph (6) of paragraph (a) be amended, that the first line of paragraph (b) be amended, that paragraph (c) be amended, and that subparagraph (7) of paragraph (i) be added, to read as set forth below:

(a) \* \* \*

(6) Massachusetts Milk Marketing Area 4 composed of the following communities:

Greenfield (the towns of Buckland, Deerfield, Greenfield and Shelburne)

Montague (the towns of Erving, Gill and Montague)

Milk	Retail delivered	Retail over counter	Wholesale delivered
Quart bottles.....	\$0.155	\$0.145	\$0.13
Pint bottles.....			.0875
10-ounce bottles.....			.055
Half-pint bottles.....			.04
8-quart cans.....	1.16		1.00
10-quart cans.....	1.45		1.25
40-quart cans.....			4.80

Price to producers: \$4.02 per hundredweight.

(b) The maximum prices established by this order are subject to the following qualifications:

(c) The maximum price for any sale of fluid milk subject to the General Maximum Price Regulation or to Maximum Price Regulation 280, for which no price is fixed in paragraphs (a) and (b) of this order in the localities specified therein, shall be computed by increasing the seller's maximum price as determined under these regulations (without considering the increases permitted by Region I General Order 15 in Areas 1B, 3A, 3B, 5B, 6B, 6C, 7A, 9A and 9B on February 21, 1943, or by Region I Price Order 2 in Area 9A on November 19, 1942, by the following amounts per quart:

1½ cents.....	Areas 1B, 3A, 3B, 4, and 9A.
1 cent.....	Areas 5B, 6B, 7A, 9B, 16B, 16C, and 19.
½ cent.....	Areas 2B, 5A, 6A, 6C, 7B, 7C, 7E, 7F, 9C, 9E, 10C, 10D, 11AB, 12, 15C, 16A (No.), 16A (So.), 17, and 18.
No increase....	Areas 1C, 2A, 8, 10B, 11C, 13A, 13B, 14A, 14B, 15A, and 15B.

\* \* \*

(7) Amendment No. 7 shall become effective November 5, 1943, at 12:01 a. m.

Issued this 4th day of November 1943.

K. B. BACKMAN,  
Regional Administrator.

[F. R. Doc. 43-18169; Filed, November 10, 1943;  
11:46 a. m.]

[Region IV Order G-11 Under RMPR 122]

#### SOLID FUELS IN VIRGINIA

Order No. G-11 under § 1340.260 of Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels in the City of Roanoke and certain adjacent territory in the State of Virginia.

Pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and for reasons stated in the opinion issued herewith, it is ordered:

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point within the corporate limits of Roanoke, Virginia and the area lying within twenty miles thereof by the most direct highway route.

(2) This order contains a price schedule applicable to sales of high and low volatile bituminous coal from District No. 7 and District No. 8.

(b) *What this order prohibits.* Regardless of any obligation, no person shall:

(1) Sell, or in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this order No. G-11 but less than maximum prices may at any time be charged, paid or offered,

(2) Obtain a higher than maximum price by

(i) Charging for a service which is not expressly requested by the buyer and which is not specifically authorized by this order.

(ii) Using any tying agreement or making any requirement that anything other than the fuel requested by the buyer be purchased by him, or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule: Sales on a "direct delivery or domestic" basis.*—(1) *Consumer sales.* This price schedule sets forth maximum prices for sales of specified solid fuels when the delivery is made to any point within the corporate limits of Roanoke, Virginia, and the area lying within twenty miles thereof by the most direct highway route.

#### LOW VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 7

Size	Per ton, 2,000 lbs.	Per ¼ ton, 1,000 lbs.	Per ⅛ ton, 600 lbs.
Run-of-mine (domestic).....	\$7.35	\$3.93	\$2.29
Run-of-mine (steam).....	7.25	3.88	2.19
Stove.....	7.95	4.23	2.31
Egg.....	8.45	4.49	2.40
Lump.....	7.20	3.85	2.15
Nut and chestnut.....	7.35	3.93	2.29
Stoker.....	7.05	3.78	2.11
Slack.....	5.00	2.76	1.60

#### HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Size	Per ton, 2,000 lbs.	Per ¼ ton, 1,000 lbs.	Per ⅛ ton, 600 lbs.
Stove.....	\$7.00	\$3.76	\$2.00
Egg.....	7.15	3.83	2.04
Great Heat Stove.....	7.75	4.13	2.19
Raven Red Ash Egg.....	7.95	4.23	2.21

(2) *Maximum authorized service charges and deductions*—(i) *Carry or wheel service.* If buyer requests such service the dealer may charge not more than 75¢ per ton for such service.

(ii) *Sacking.* Dealer may charge not more than 25¢ for 50 pound bag at yards.

(iii) *Yard sales.* When the buyer picks up coal at the dealer's yard the dealer must reduce the domestic price 50¢ per ton.

(iv) *Screening.* Dealer may charge not more than 25¢ per ton for the service of screening lump, stove or egg coals.

(v) *Quantity sales.* When buyer purchases in carload quantities the dealer must reduce the domestic price in this schedule 50¢ per ton.

(vi) *Credit.* No additional charge over the prices listed in this schedule may be made for the extension of credit.

(vii) *Delivery charges.* The dealer may make no charges for delivery within the corporate limits of Roanoke, Virginia, or the area lying within three miles thereof by the most direct highway route. For deliveries beyond three miles from the corporate limits of Roanoke, Virginia, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond three miles with a minimum charge of 50¢ for each delivery, said mileage being determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(d) *Ex Parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December 1941. Therefore, no dealer may increase any schedule price on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by Section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order provided the dealer states it separately from the price on the statement given to the buyer under paragraph (i) (2). (This tax need not be stated separately on sales to the United States or any agency thereof—see Amendment 12 to Revised Maximum Price Regulation 122.) No part of this tax may be collected in addition to the maximum prices on sales of quarter-ton or lesser quantities or on sales of any quantity of bagged coal.

(e) *Addition of increase in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in purchase costs or in supplier's maximum prices occurring after the effective date hereof; but increases in the maximum prices set hereby to reflect such increases are within the discretion of the Administrator.

(f) *Power to amend or revoke.* The Price Administrator or Regional Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(g) *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment

in accordance with Revised Procedural Regulation No. 1 except that the petition shall be filed with the Regional Administrator and acted upon by him.

(1) *Applicability of other regulations.* Every dealer subject to this order is governed by the licensing provisions of Supplementary Order No. 72. This provides in brief that a license is granted to all persons selling, at retail, commodities for which maximum prices are established. The license may be suspended for violation in connection with the sale of any commodity for which maximum prices are established. If a dealer's license is suspended, he may not sell any such commodity during the period of suspension.

(h) *Records and reports.* Every dealer subject to this order shall preserve, keep and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262 (a) and (b) of Regulation No. 122.

(i) *Posting of maximum prices: Sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: The date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged and separately stating, any item which is required to be separately stated by this order. This paragraph (i) (2) shall not apply to sales of quantities of less than quarter-ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Roanoke, Virginia, District Office of the Office of Price Administration.

(k) *Definitions and explanations.* When used in this Order No. G-11 the term,

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons,

or legal successor representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at the point nearest and most accessible to the buyer's bin or storage space. "Direct delivery" of bagged fuel or any fuel in quarter-ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, sack or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other than his truck.

(7) "Screening" refers to the practice of putting coal through screens, thereby arriving at uniform sizes of coal.

(8) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight August 23, 1943.

(9) "High volatile bituminous coal" and "low volatile bituminous coal" refer to coal produced in certain sections of the producing districts specified herein.

(10) "Egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight August 23, 1943, except that "run-of-mine" shall be that size sold as such by the dealer.

(11) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.355 and 1340.266 of Regulation No. 122 shall apply to terms used herein.

(1) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede Revised Maximum Price Regulation No. 122.

This Order No. G-11 shall become effective November 12, 1943.

NOTE: This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 8781; E.O. 9328, 8 F.R. 4681)

Issued November 8, 1943.

JAMES C. DERIEUX,  
Regional Administrator.

[F. R. Doc. 43-18161; Filed, November 10, 1943;  
9:12 a. m.]

[Region IV Rev. Order G-16 Under 18 (c)]

#### COTTON ROPE IN SOUTHERN STATES

Revised Order No. G-16 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of cotton rope prices for Region IV.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation and by Revised General Order No. 32; *It is hereby ordered:*

(a) The maximum prices for sales of cotton rope in Region IV shall be determined as follows:

(1) For sales by hardware wholesalers the maximum price per pound, f. o. b. seller's shipping point, of cotton rope shall be the sum of:

(i) The cost of the rope being priced, f. o. b. supplier's shipping point, not to exceed supplier's properly established maximum price; plus

(ii) The actual freight incurred in bringing the cotton rope to the seller's place of shipment to his customers; plus

(iii) A mark-up of 20% of the total of subparagraphs (1) (i) and (1) (ii) of this paragraph (a).

*Provided*, That if the seller's supplier sells to seller upon the basis of a delivered price, such delivered price, not to exceed supplier's properly established maximum price shall be substituted for subparagraphs (1) (i) and (1) (ii) of this paragraph (a).

(2) For sales by all other wholesalers this maximum price per pound, f. o. b. seller's shipping point, of cotton rope shall be the sum of:

(i) The cost of the rope being priced, f. o. b. supplier's shipping point, not to exceed supplier's properly established maximum price; plus

(ii) The actual freight incurred in bringing the cotton rope to the seller's place of shipment to his customers; plus

(iii) A mark-up of 12½% of the total of subparagraphs (2) (i) and (2) (ii) of this paragraph (a).

*Provided*, That if the seller's supplier sells to seller upon the basis of a delivered price, such delivered price, not to exceed supplier's properly established maximum price, shall be substituted for subparagraphs (2) (i) and (2) (ii) of this paragraph (a).

(3) For sales at retail, the maximum price per pound of cotton rope shall be the sum of:

(1) The actual cost of the rope being priced, including cost of delivery to the seller's place of business, if any such delivery cost is incurred by the seller, plus  
(i) A mark-up of 25% of said cost.

*Provided*, That a charge for delivery to customers not to exceed the charge made for the same delivery service in March 1942 may be made in addition to the retailer's maximum price as established above. If no charge was made by the seller for the same delivery service in March 1942, no such delivery charge may be made under this order.

(b) *Definitions*. (1) "Cotton rope" means new machine-laid cotton yarn rope, ½" to ¾" in diameter, either white or variegated. The term "cotton rope" does not include rope made of cotton mill waste.

(2) "Hardware wholesaler" means any person commonly identified as a hardware wholesaler, the predominant portion of whose business is the wholesale distribution of hardware, stoves, housewares, farm equipment, etc. to retail dealers for resale to ultimate consumers.

(3) "Sales by wholesalers" means sales by a person who buys cotton rope and resells it, without substantially changing its form, to any person other than an ultimate consumer.

(4) "Sales at retail" means sales by a person to an ultimate consumer other than an industrial, commercial, or governmental user.

(5) "Region IV" means that territory lying within the geographical boundaries of the following states: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

(c) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(d) Except as otherwise provided herein, all transactions subject to this order remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments, supplementary regulations, and orders that have been heretofore or may be hereafter issued.

Manufacturer	Net weight per loaf	Sales at wholesale	Sales at retail
		Cents	Cents
Taystee Baking Co., Beaumont, Tex.	1½ lb. Loaf White.....	9½	11
Barker Bakery, Beaumont, Tex.	1½ lb. Loaf White.....	9½	11
Fehr Baking Co., Beaumont, Tex.	1½ lb. Loaf White.....	9½	11
	1½ lb. Loaf White Pullman.	9½	.....

This order applies only to bread manufactured or sold by the named sellers from their plants located in the City of Beaumont, Texas.

Except as specified herein, maximum prices for all sales of bread shall remain subject to the provisions of the General Maximum Price Regulation.

This order is subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any amendment or supplement hereafter issued to

(e) This Revised Order No. G-16 under § 1499.18 (c) of the General Maximum Price Regulation supersedes and revokes any and all orders, including Order No. G-16 effective February 25, 1943, heretofore issued by the Atlanta Regional Office (Region IV) of the Office of Price Administration adjusting the maximum price of cotton rope for any seller at retail or wholesale.

(f) This order may be revoked, amended or corrected at any time.

This order shall become effective on the 1st day of November, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued November 4, 1943.

ALEXANDER HARRIS,  
Acting Regional Administrator.

[F. R. Doc. 43-18168; Filed, November 10, 1943;  
11:46 a. m.]

[Region V Order G-5 Under 18 (c)]

#### BREAD IN BEAUMONT, TEXAS

Order No. G-5 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of prices for bread manufactured by Taystee Baking Company, Barker Bakery and Fehr Baking Company, Beaumont, Texas.

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region V of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by § 1499.18 (c) of the General Maximum Price Regulation, as amended, and the approval of the Director of the Office of Economic Stabilization having first been obtained; *It is hereby ordered:*

(a) The maximum prices for any seller in Region V for bread manufactured or sold by the sellers herein named shall be the prices determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation, or the maximum prices specified below:

any price regulation, the provisions of which may be contrary hereto.

This order shall become effective on the 6th day of November 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued at Dallas, Texas, this the 3d day of November 1943.

MAX McCULLOUGH,  
Regional Administrator.

[F. R. Doc. 43-18172; Filed, November 10, 1943;  
11:47 a. m.]

[Region VII Order G-6 Under MPR 165]

CUSTOM FEED GRINDING IN MEEKER, COLO.,  
AREA

Order No. G-6 under Maximum Price Regulation No. 165, as Amended. Services. Order adjusting maximum prices for custom feed grinding in the Meeker, Colorado, Area.

Pursuant to the Emergency Price Control Act of 1942, as Amended, § 1499.114 (d) of Maximum Price Regulation No. 165, as Amended, and for the reasons set forth in the accompanying opinion, this price adjustment order is issued.

(a) *What this order does.* This order adjusts on a local shortage basis the maximum prices to be charged for the service of custom grinding grain and concentrates used for animal feeding purposes.

(b) *Adjusted maximum prices.* On and after the effective date of this Order No. G-6 the maximum prices to be charged in the Meeker, Colorado, Area for the service of custom grinding feed grains and feed concentrates for animal feeding purposes shall be as follows:

(1) Custom lots of less than one ton, 15¢ per cwt., sacked and sewed in bags furnished by the customer.

(2) Custom lots of one ton or more, 12½¢ per cwt., sacked and sewed in bags furnished by the customer.

(c) *Definition.* The Meeker, Colorado, Area means all of the municipality of Meeker, Colorado, and a distance of ten miles beyond the corporate boundaries at all points.

(d) *Applicability of other regulations.* Except insofar as the same are inconsistent with or contrary to any one or more of the terms and provisions of this order, all of the terms and provisions of Maximum Price Regulation No. 165, as Amended, shall remain in full force and effect and be applicable to all persons furnishing the feed grinding service covered by this order.

(e) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(f) *Right to revoke or amend.* This order may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This order shall become effective on the 6th day of November, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 6th day of November 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-18174; Filed, November 10, 1943; 11:47 a. m.]

[Region VII Order G-7 Under SR 15]

## FLUID MILK IN COLORADO

Revised Order No. G-7 Under Supplementary Regulation 15 of the General Maximum Price Regulation. Adjustment order modifying maximum wholesale and retail prices for fluid milk in the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, Supplementary Regulation 15 to the General Maximum Price Regulation, as amended, and for the reasons set forth in the accompanying opinion, Order No. G-7, as amended, under § 1499.18 (c) of the General Maximum Price Regulation, is hereby redesignated Revised Order No. G-7 under Supplementary Regulation 15 to the General Maximum Price Regulation, and is revised and amended to read as follows:

(a) *What this order does.* This revised order continues in effect the present established maximum prices for "fluid milk" in certain specified areas of the State of Colorado when sold at wholesale or retail in glass or paper containers and adjusts upward such maximum prices in certain communities having a population of 25,000 or less by transferring such communities to higher priced areas.

(b) *State of Colorado divided into ten areas.* For the purpose of this revised order the State of Colorado is divided into ten areas, numbered, respectively, from 1 to 10 and geographically defined in paragraph (d) hereof.

Size of glass or paper container	Area 7		Area 8		Area 9		Area 10	
	Wholesale	Retail out of store or home delivered	Wholesale	Retail out of store or home delivered	Wholesale	Retail out of store or home delivered	Wholesale	Retail out of store or home delivered
½ pint.....	Cents 5	7	Cents 4	6	Cents 3	5	Cents 3	5
Pint.....	7	9	6	8	5	7	5	7
Quart.....	13	15	12	14	11	13	9	11
½ gallon.....	23	25	23	25	22	24	15	17
Gallon.....	43	45	45	47	44	46	33	35

Maximum prices for certain milk products sold at retail in glass or paper containers in Area 9

	Per quart
Coffee cream (18% butterfat).....	50½¢
Buttermilk.....	11½¢
Chocolate drink.....	13½¢

(d) *Definitions.* (1) "Area 1" means all that area in the State of Colorado lying east of a line drawn north and south through a point five miles east of the most easterly boundary of the municipality of Golden, Colorado and south of a line drawn east and west through a point one mile north of the most northerly boundary of the platted area known as Westminster, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly barracks or other building located on Buckley Field Military Reservation, and north of a line drawn east and west through a point one mile south of the most southerly boundary of the municipality of Littleton, Colorado.

(c) *Adjusted maximum prices in the several Colorado areas.* On and after the effective date of this revised order the maximum prices for fluid milk of approved grade in the several Colorado areas, when sold in glass or paper containers, at wholesale and retail shall be as follows:

Size of glass or paper container	Area 1		Area 2		Area 3	
	Wholesale	Retail out of store or home delivered	Wholesale	Retail out of store or home delivered	Wholesale	Retail out of store or home delivered
½ pint.....	Cents 3½	5	Cents 3½	5	Cents 3½	5
Pint.....	6	8	6	8	6	8
Quart.....	10½	13	11	13	11	13
½ gallon.....	20	23	21	23	21	23
Gallon.....	41	43	41	43	41	43

  

Size of glass or paper container	Area 4		Area 5		Area 6	
	Wholesale	Retail out of store or home delivered	Wholesale	Retail out of store or home delivered	Wholesale	Retail out of store or home delivered
½ pint.....	Cents 3½	5	Cents 3½	5	Cents 3½	5
Pint.....	6	8	6	8	6	8
Quart.....	11	13	12	14	10½	12½
½ gallon.....	21	23	19	22	20	24
Gallon.....	41	43	37	44	39	45

(2) "Area 2" means all that area in the State of Colorado lying east of a line drawn north and south through a point one mile west of the most westerly boundary of the municipality of Manitou, Colorado, and south of a line drawn east and west through a point four miles north of the most northerly boundary of the municipality of Colorado Springs, Colorado, and west of a line drawn north and south through a point one mile east of the most easterly boundary of the municipality of Fountain, Colorado, and north of a line drawn east and west through a point one mile south of the most southerly boundary of Fountain, Colorado.

(3) "Area 3" means all that area in the State of Colorado lying east of a line drawn north and south through a point three miles west of the most westerly boundary of the municipality of Pueblo, Colorado, and south of a line drawn east and west through a point three miles north of the most northerly boundary of

the municipality of Pueblo, Colorado, and west of a line drawn north and south through a point three miles east of the most easterly boundary of the municipality of Pueblo, Colorado, and north of a line drawn east and west through a point three miles south of the most southerly boundary of the municipality of Pueblo, Colorado.

(4) "Area 4" means all that area in the State of Colorado contained within the counties of Baca, Bent, Clear Creek, Delta, Fremont, Gilpin, Hinsdale, Las Animas, Mesa, Mineral, Montrose (except the mining camps of Naturita and Uravan), Otero, Ouray, Pitkin, Prowers, Summit (except that part contained in Area 9), the municipality of Crested Butte in Gunnison county, and a distance of five miles beyond the corporate limits thereof at all points, the coal mining camps of Somerset and Oliver in Gunnison county, the municipality of Rico in Dolores county, and a distance of five miles beyond the corporate limits thereof at all points, the towns of Oak Creek, Phippsburg, Pinnacle, Haybro, Routt, and Oak Hills in Routt county.

(5) "Area 5" means all that area in the State of Colorado contained within the county of Adams (except that part contained in Area 1), Arapahoe (except that part contained in Area 1), Alamosa, Chaffee, Conejos, Costilla, Crowley, Dolores (except the municipality of Rico), Eagle (except that part contained in Area 9), El Paso (except that part contained in Area 2), Jefferson (except that part contained within Area 1), Garfield, Grand, Gunnison (except the municipality of Crested Butte, and a distance of five miles beyond the corporate limits thereof at all points, and the coal mining camps of Somerset and Oliver), Jackson, Logan, Moffat, Morgan, Pueblo (except that part contained in Area 3), Larimer, Weld, Boulder, Douglas, Teller, Huerfano, Rio Blanco, Rio Grande, Routt (except the towns of Oak Creek, Phippsburg, Pinnacle, Haybro, Routt, and Oak Hills), Saguache, San Miguel (except that part thereof contained in the Montezuma National Forest Reserve).

(6) "Area 6" means all that area in the State of Colorado contained in the counties of Archuleta, La Plata, and Montezuma.

(7) "Area 7" means all that area in the State of Colorado contained within the county of San Juan, all that part of San Miguel county lying within the boundaries of the Montezuma National Forest Reserve, and the mining camps of Naturita and Uravan in Montrose county.

(8) "Area 8" means all that area in the State of Colorado contained within the county of Lake (except that part contained in Area 9 and the mining community of Climax).

(9) "Area 9" means all that area in the State of Colorado contained within the Camp Hale Military Reservation.

(10) "Area 10" means all that area in the State of Colorado not contained in the Areas 1 to 9 both inclusive as herein above defined.

(11) "Milk" or "Fluid milk" means cow's milk produced, processed or unprocessed and of approved grade when sold in glass or paper containers for consumption in fluid form as whole milk.

(e) *Higher established maximum prices may be maintained.* Any seller who has established a maximum price under § 1499.2 of the General Maximum Price Regulation, or any other applicable price regulation or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act, as amended, that is higher than the price fixed by this revised order may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this revised order.

(f) *Fractional prices.* In computing prices for a quantity purchase, either at wholesale or at retail, fractions of less than one-half cent shall be adjusted downward to the next cent, and fractions of one-half cent or more shall be adjusted upward to the next cent, and where a sale involves a single fractional unit or a single unit with a fractional price, the price shall be adjusted upward to the next cent. For example, a maximum price of 13½¢ for one unit will be adjusted to 14¢.

(g) *Applicability of other regulations.* This Revised Order No. G-7 supersedes Order No. G-7, as amended under § 1499.18 (c) of the General Maximum Price Regulation issued August 9, 1943, and Amendment No. 1 thereto issued September 17, 1943, subject to the terms and provisions of Supplementary Order No. 40. But except insofar as the same are contradictory or inconsistent with one or more of the terms and provisions hereof, all of the terms and provisions of the General Maximum Price Regulation shall remain in full force and effect and be applicable to all persons selling milk under this Revised Order No. G-7.

(h) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(i) *Right to revoke or amend.* This Revised Order No. G-7 may be revoked, modified, or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This Revised Order No. G-7 shall become effective on October 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of October 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-18167; Filed, November 10, 1943; 11:46 a. m.]

[Region VII Order G-8 Under RMPR 122, Amdt. 2]

#### SOLID FUELS IN DENVER METROPOLITAN AREA

Order No. G-8 under Revised Maximum Price Regulation No. 122, Amendment No. 2. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in the Denver Metropolitan Area.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reason set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. "Table I—Delivered prices", under the classification "Sub-bituminous coal produced in District 16", is amended by making the sub-category "Sub-district 6, Erie" read as follows: "Sub-district 6, Erie, and Sub-district 5, Lily".

2. "Table II—Yard prices", under the classification "Sub-bituminous coal produced in District 16", is amended by making the sub-category "Sub-district 6, Erie" read as follows: "Sub-district 6, Erie, and Sub-district 5, Lily".

*Effective date.* This amendment shall become effective retroactively as of October 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 1st day of November 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-18171; Filed, November 10, 1943; 11:47 a. m.]

[Region VII Order G-10 Under MPR 329]

#### MILK IN COLORADO

Revised Order No. G-10 under Maximum Price Regulation No. 329. Purchasers of milk from producers in certain areas of the State of Colorado.

Pursuant to the Emergency Price Control Act of 1942, as amended, § 1351.408 (a) (b) of Maximum Price Regulation No. 329 and for the reasons set forth in the accompanying opinion, Order No. G-10 under Maximum Price Regulation No. 329 is redesignated Revised Order No. G-10 under Maximum Price Regulation No. 329, and is revised and amended to read as follows:

(a) *What this revised order does.* This revised order revises and amends Order No. G-10 under Maximum Price Regulation No. 329 by creating five separate areas in the State of Colorado and establishing a maximum price on a butterfat basis, which purchasers, who resell in glass or paper containers for fluid milk consumption, may pay producers in each of said areas. The five areas are geographically defined in paragraph (c) hereof.

(b) *Maximum area prices.* (1) In "Area 1", the maximum price that may be paid to a producer for fluid milk produced in said "Area 1" by a purchaser



who resells and distributes the same in said "Area 1" shall be, when delivery is made at the purchaser's customary receiving point in said "Area 1", the computed "blended" price of the Denver Milk Producers Association, commonly called the "Denver Milk Pool", for the semi-monthly period during which delivery was made, plus any bonus customarily paid during the month of January 1943 by said Denver Milk Producers Association for "clean" milk, not, however, to exceed 83.6¢ per pound of butterfat content, which is the maximum price for said Denver Milk Producers Association as established under Maximum Price Regulation No. 329. All purchasers in "Area 1" shall be entitled to the privilege conferred by the proviso in subparagraph (2) of this paragraph (b).

(2) The maximum prices that may be paid to a producer for fluid milk produced in Areas 2, 3, 4 and 5 of the State of Colorado by a purchaser who resells and distributes the same in the area in which produced shall be, when delivery is made at the purchaser's customary receiving point in said area, as follows:

- (i) Area 2, 34¢ per gallon.
- (ii) Area 3, \$0.85 per pound of butterfat content.
- (iii) Area 4, \$0.80 per pound of butterfat content.
- (iv) Area 5, \$0.75 per pound of butterfat content.

*Provided, however,* And for the purpose of protecting and preserving established trade relationships between purchasers in one area and producers in another area any seller or distributor of fluid milk, in one of said Colorado areas may purchase milk produced anywhere in the State of Colorado and pay the producer therefor the maximum price hereinabove specified for the area in which the milk is received, resold and distributed by the purchaser for fluid milk consumption, if the producer customarily sold his milk in said area of resale and distribution during the period of April 1, 1943, to July 31, 1943, or who did not during said period customarily sell in any other fluid milk market.

(c) *Definitions.* (1) "Area 1" means all of the counties of Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Jefferson and Pueblo in the State of Colorado.

(2) "Area 2" means Lake County in the State of Colorado.

(3) "Area 3" means the counties of Baca, Bent, Clear Creek, Delta, Gilpin, Hinsdale, Las Animas, Mesa, Montrose, Mineral, Otero, Ouray, Pitkin, Prowers and Summit in the State of Colorado; the municipality of Crested Butte and a distance of five miles beyond the corporate limits thereof at all points in Gunnison County, Colorado; the municipality of Rico and a distance of five miles beyond the corporate limits thereof at all points in Dolores County, Colorado; the towns of Oak Creek, Phippsburg, Pinnacle, Haybro, Routt and Oak Hills in Routt County, Colorado.

(4) "Area 4" means the counties of Archuleta, Fremont, La Plata and Montezuma in the State of Colorado.

(5) "Area 5" means the counties of Alamosa, Chaffee, Conejos, Costilla, Crowley, Dolores (except that part contained in Area 3), Eagle, Garfield, Gunnison (except that part contained in Area 3), Grand, Jackson, Moffat, Rio Blanco, Rio Grande, Routt (except that part contained in Area 3), Saguache and San Miguel in the State of Colorado.

(6) "Milk or fluid milk" means cow's milk in a raw unprocessed state which is purchased for resale for human consumption as fluid milk.

(7) "In a raw unprocessed state" means unpasteurized and not sold and delivered in glass or paper containers.

(8) "Blended price of the Denver Milk Producers Association" means the price determined for the semi-monthly period in which milk is delivered to it as the "pool price" to be paid by it to the producers from whom it has purchased and received milk during said semi-monthly period, and which said "pool price" is arrived at by permitting each producer to participate on a prorata basis in the total volume of milk sold the association as fluid milk for human consumption, which is designated class 1 milk and, under normal conditions, brings the highest price, and to likewise participate on a prorata basis in the total volume of milk sold for other uses.

(d) *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(e) *Applicability of other regulations.* Except insofar as the same may be inconsistent with or contradictory of any one or more of the terms and provisions of this revised order, the definitions contained in §1499.20 of the General Maximum Price Regulation and all of the terms and provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and be applicable to purchasers of milk covered by this revised order.

(f) *Right to revoke or amend.* This revised order may be revoked, modified or amended at any time by the Price Administrator or the Regional Administrator.

*Effective date.* This revised order shall become effective as of October 21, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 21st day of October 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-18168; Filed, November 10, 1943; 11:45 a. m.]

[Region VII Order G-14 Under EMPC 122, Amdt. 1]

#### SOLID FUELS IN UTAH

Order No. C-14 under Revised Maximum Price Regulation No. 122, Amendment No. 1. Solid fuels sold and delivered by dealers. Maximum prices for certain solid fuels sold and delivered by dealers in certain trade areas in the State of Utah.

Pursuant to the Emergency Price Control Act of 1942, as Amended, and §§ 1340.259 and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 1 is issued.

1. Subparagraph (4) of paragraph "(d) *Specific maximum prices*" is amended by deleting therefrom the note marked with an asterisk and substituting therefor a note marked with an asterisk as follows:

Slack listed prices are for sales to domestic users. On sales for commercial use the maximum price for treated slack shall be the listed price less 25¢; on sales for commercial use the maximum price for untreated slack shall be the listed price less 50¢; on sales of untreated slack for domestic use the maximum price shall be the listed price less 25¢.

2. Subparagraph (2) of paragraph "(n) *Definitions*" is amended by changing the period at the end thereof to a semicolon and adding the following:

and the service charge for such pull-back or trimming shall apply only to the amount of coal so re-handled.

3. Paragraph "(n) *Definitions*" is amended by adding thereto a new subparagraph (9) to read as follows:

(9) *Additional charge for delivering beyond area.* For a delivery made to a place beyond any one of the several areas as defined in paragraph (n) (8) hereof, you may make an additional charge not in excess of any such additional delivery charge you regularly made in December 1941. If you are a dealer who was not in business in December 1941, or if you were in business but made no such deliveries, you may take for your additional delivery charge the charge of your nearest competitor who was established in business and who did make such charge in December 1941.

*Effective date.* This amendment shall become effective on the 6th day of November 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9280, 7 F.R. 7871, E.O. 9326, 8 F.R. 4681)

Issued this 6th day of November 1943.

R. BATTERTON,

Acting Regional Administrator.

[F. R. Doc. 43-18173; Filed, November 10, 1943; 11:47 a. m.]

[Region VIII Order G-10 Under MPR 333]  
EGGS AND EGG PRODUCTS IN DESIGNATED COUNTIES IN CALIFORNIA, AND NEVADA

For the reasons set forth in an opinion issued simultaneously herewith and un-

der the authority vested in the Regional Administrator of the Office of Price Administration by § 1429.63 (a), (b) and (c) of Maximum Price Regulation No. 333, as amended; *It is hereby ordered:*

(a) The adjusted maximum price for sales of consumer and procurement grade shell eggs, in the counties of Humboldt, Washoe, Pershing, Storey, Ormsby, Douglas, Lyon, Mineral, Esmeralda, Nye, Churchill and Lander in the state of Nevada, Alpine county and that portion of the counties of El Dorado, Placer, Nevada and Sierra situated east of the summit of the Sierra Nevada in the state of California shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, for the City of San Francisco plus one cent per dozen.

(b) The adjusted maximum price for sales of consumer and procurement grade shell eggs in the counties of Clark, Lincoln, White Pine, Eureka, and Elko in the state of Nevada and the counties of Lassen and Modoc in the state of California shall be the maximum price for shell eggs as specified in §§ 1429.67, 1429.68 and 1429.69 of Maximum Price Regulation No. 333, as amended, minus one-half cent per dozen.

(c) Order G-8 under Maximum Price Regulation No. 333, as amended, is hereby revoked.

(d) This order may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

This order shall become effective November 8, 1943.

Issued this 3d day of November 1943.

L. F. GENTNER,  
Regional Administrator.

[F. R. Doc. 43-18165; Filed, November 10, 1943;  
11:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-69 and 59-65]

OGDEN CORPORATION AND SUBSIDIARY COMPANIES

### NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of November, A. D. 1943.

In the matters of Ogden Corporation and Subsidiary Companies, File No. 54-69; Ogden Corporation and Subsidiary Companies, File No. 59-65.

The Commission, having entered an order dated May 20, 1943 approving a plan filed by Ogden Corporation and subsidiary companies pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 designed to enable that company and certain of its subsidiary companies to comply with the provisions of section 11 (b) of the Act, said plan providing for, among other things, the

disposition by Ogden Corporation of its ownership of Derby Gas & Electric Corporation common stock, and ordering Ogden Corporation to divest itself of all its interest, held directly and indirectly, in holding and public utility companies, among others, Derby Gas & Electric Corporation;

Ogden Corporation, having heretofore filed a declaration, as an amendment to its aforesaid plan, proposing the sale by it of 91,577 shares of common stock, no par value, of Derby Gas & Electric Corporation by means of competitive bidding pursuant to the provisions of Rule U-50 promulgated under the Act;

Hearings having been held with respect to such declaration and having been continued subject to call of the Trial Examiner;

Notice is hereby given that an amendment to the aforesaid declaration has been filed by Ogden Corporation requesting an exemption from the requirement of Rule U-50 pursuant to the provisions of subparagraph (a) (5) of said Rule with respect to the said proposed sale of Derby Gas & Electric Corporation common stock.

All interested persons are referred to said document which is on file in the office of the Commission for a complete statement of the matters therein contained.

It appearing to the Commission that the hearing previously continued should be reconvened for the purpose of taking additional testimony necessitated by the aforesaid amendment;

*It is ordered*, That a reconvened hearing in this proceeding under the applicable provisions of said Act and the rules promulgated thereunder be held on November 22, 1943 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the hearing room clerk in Room 318 may designate.

*It is further ordered*, That Henry C. Lank or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

*It is further ordered*, That, without limiting the scope of the issues presented by said amendment, particular attention will be directed at the reconvened hearing to the question as to whether or not compliance with the requirement of competitive bidding under Rule U-50 is necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid with respect to the said proposed sale.

*It is further ordered*, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Ogden Corporation and subsidiaries and that notice

shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 43-18228; Filed, November 11, 1943;  
11:36 a. m.]

[File No. 70-804]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. AND EASTERN UTILITIES ASSOCIATES

### ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 10th day of November 1943.

Blackstone Valley Gas and Electric Company, an electric and gas utility company and its parent company, Eastern Utilities Associates, a registered holding company, having filed a joint declaration and application pursuant to sections 6 (b), 7 and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-44 and U-50 promulgated thereunder with respect to: (1) exemption from the provisions of section 6 (a) of the Act of the issuance and sale, in accordance with Rule U-50, of \$11,300,000 principal amount of First Mortgage and Collateral Trust Bonds, 3% Series due 1973, for the purpose of refunding its presently outstanding \$7,300,000 principal amount of 4% Series C bonds due 1965 and \$4,000,000 principal amount of 3½% Series D bonds due 1968; (2) the issuance and sale by Blackstone Valley Gas and Electric Company of \$11,300,000 principal amount of Interim Certificates to be outstanding until the redemption of the bonds being refunded, and (3) the pledge by Blackstone Valley Gas and Electric Company of the securities representing its investment in Montaup Electric Company; and

A public hearing having been held, after appropriate notice, upon said application and declaration, as amended, the Commission having considered the record and having made and filed its findings and opinion herein;

*It is ordered*, That said application and declaration be, and the same are, hereby, respectively, granted and permitted to become effective, subject to the conditions prescribed by Rule U-24 and the further condition that said proposed issuance and sale of securities and said proposed pledge of securities shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed, which order may contain further terms or conditions as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof in connection with the proposed transactions.

*It is further ordered*, That the ten-day minimum period for reception of

competitive bids with respect to these securities proposed to be issued and sold, prescribed by Rule U-50, be, and the same is hereby, reduced to a minimum period of six days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-18225; Filed, November 11, 1943;  
11:36 a. m.]

[File Nos. 7-701, 7-702, 7-703, 7-704, 7-705]

LUKENS STEEL CO., ET AL

#### ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of November, A. D. 1943.

In the matter of Applications by the New York Curb Exchange to extend unlisted trading privileges to Lukens Steel Company Common Stock, \$10 par value, File No. 7-701; Merck & Co., Inc., Common Stock, \$1 par value, File No. 7-702; Northern Natural Gas Company Common Stock, \$20 par value, File No. 7-703; Public Service Company of Indiana, Inc., Common Stock, without par value, File No. 7-704; The Warner & Swasey Company Common Stock, without par value, File No. 7-705.

The New York Curb Exchange having filed applications with the Commission, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the above-mentioned securities;

The Commission having on August 3, 1943 ordered a hearing to be held on September 16, 1943 at 10:00 a. m. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, which hearing has been heretofore postponed until November 15, 1943;

Counsel for all parties having requested further postponement of the date of hearing; and

The Commission having duly considered the matter and being fully advised in the premises;

It is ordered, That the hearing scheduled for November 15, 1943, be, and the same hereby is, postponed to December 15, 1943 at the hour and place heretofore designated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-18226; Filed, November 11, 1943;  
11:36 a. m.]

[File Nos. 34-7, 52-23; 52-21, 52-24]

MIDLAND UTILITIES CO. ET AL.

#### NOTICE OF FILING OF AMENDED PLAN OF REORGANIZATION AND ORDER FOR CONSOLIDATION AND HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of November 1943.

No. 225—6

In the matters of Midland Utilities Company, File No. 34-7, 52-23; Hugh M. Morris, Trustee of the Estate of Midland United Company and Jay Samuel Hartt and Clarence A. Southerland, Trustees of the Estate of Midland Utilities Company, File No. 52-21, 52-24.

Notice is hereby given that a joint application for approval of an amended Plan of Reorganization for Midland United Company, and its subsidiary, Midland Utilities Company, both of which are debtors in reorganization proceedings instituted in the District Court of the United States for the District of Delaware ("Court") under section 77B of the Bankruptcy Act, has been filed, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, by Hugh M. Morris, Trustee of the Estate of Midland United Company ("United Trustee"), a registered holding company, and by Clarence A. Southerland and Jay Samuel Hartt, Successor Trustees of the Estate of Midland Utilities Company ("Utilities Trustees"), a registered holding company. The present amended Plan of Reorganization is in substitution of all former plans of reorganization for Midland United Company and Midland Utilities Company.

All interested persons are referred to said joint application, which is on file in the offices of this Commission, for a statement of the plan therein proposed, which is summarized as follows:

1. Midland Utilities Company ("Utilities"), a Delaware corporation, is to be continued in existence. Its certificate of incorporation will be amended so that there will be authorized and outstanding one class of capital stock, consisting of 1,500,000 shares of the par value of \$1.00 each.

2. Midland United Company ("United"), a Delaware corporation, is to be continued in existence but its name changed to that of "Midland Realization Company" ("Realization Company"). Its certificate of incorporation will be amended so that there will be authorized and outstanding one class of capital stock, consisting of 620,000.1 shares of the par value of \$1.00 each.

3. On the effective date of the Plan, the Utilities Trustees shall (a) make payments in discharge of certain unsecured claims against Utilities totaling \$355,336.53, (b) pay to Realization Company the sum of \$786,000, (c) deliver to Realization Company 69,500 shares of the common stock of Northern Indiana Public Service Company ("Northern Indiana"), (d) issue 40% of the Utilities capital stock (600,000 shares) ratably to its debenture holders, and (e) issue the remaining 60% of Utilities capital stock (900,000 shares) to Realization Company.

4. On the effective date of the Plan, the United Trustee, or Realization Company, shall:

(a) Pay its unsecured creditors the amounts of their claims as allowed by the Court;

(b) Make provision for distribution to the preferred shareholders of United of the common stock of Public Service Company of Indiana, Inc. ("Public Serv-

ice Indiana") at the rate of one share thereof for each share of the United \$3 Preferred Stock and two shares thereof for each share of United \$6 Preferred Stock; and

(c) Issue Realization Company capital stock in the following approximate proportions:

(i) 70% to the holders of United \$3 Preferred Stock and United \$6 Preferred Stock;

(ii) 20% to the holders of Utilities' debentures;

(iii) 10% to the holders of Utilities' prior lien stock.

5. All assets owned respectively by United and Utilities now held as collateral by Secured Creditors (Continental Illinois National Bank and Trust Company of Chicago ("Continental Bank"), The Peoples Gas Light and Coke Company Service Annuity Trust ("Service Annuity Trust"), Commonwealth Edison Company ("Commonwealth Edison"), The Peoples Gas Light and Coke Company ("Peoples Gas"), and Public Service Company of Northern Illinois ("Public Service Illinois")) will be transferred, assigned and delivered to Realization Company and Utilities, except such cash sums as have been permitted to be retained by authority of the Court.

6. The security holders and claimants of Utilities (other than the Secured Creditors) will receive the following:

(a) Each debenture holder will receive for each \$1,000 principal amount of his debentures

(i) 10 shares of Utilities capital stock;

(ii) 2.06 shares of Realization Company capital stock;

(b) Each prior lien shareholder will receive, for each share of his prior lien stock, three-tenths of one share of Realization Company capital stock;

(c) Northern Indiana:

(i) Utilities shall pay \$200,000 in cash to Northern Indiana within six months after the effective date of the Plan;

(ii) Each holder of record of the 27,155 publicly held shares of Northern Indiana common stock will receive from Utilities for each such share the sum of 52¢ in cash.

(iii) The above payments shall be in full and complete discharge of any and all liability of Utilities to Northern Indiana.

(d) Gary Electric & Gas Company ("Gary Electric"):

(i) Utilities shall pay the outstanding obligations of Gary Electric estimated at \$28,000;

(ii) Each holder of record of the 35,587 publicly held shares of Gary Electric stock will receive from Utilities the sum of 89¢ per each such share.

(iii) Gary Electric shall cancel and surrender to Utilities all of the latter's promissory notes held by Gary Electric.

(e) All other allowed claims against Utilities exceeding \$500 shall be paid in cash by Utilities at the rate of 50% of the amounts allowed, and those for less than \$500 shall be paid in cash in full.

(f) No provision is made in the Plan for participation by any of the preferred

stockholders or common stockholders of Utilities;

7. The security holders and claimants of United (other than the Secured Creditors) will receive the following treatment:

(a) Each holder of the 206,921 publicly held outstanding shares of United \$3 Preferred Stock shall receive:

(i) One share of Public Service Indiana common stock;

(ii) One share of Realization Company capital stock;

(b) Each holder of the 144,093 publicly held outstanding shares of United \$6 Preferred Stock shall receive for each share of United \$6 Preferred Stock:

(i) Two shares of Public Service Indiana common stock;

(ii) Two shares of Realization Company capital stock.

(iii) The Middle West Corporation and two other holders of United \$6 Preferred Stock have agreed to forego receipt of a total of 61,888 shares of Realization Company capital stock.

(c) Certain unsecured claims allowed against United, in the total sum of \$32,093.16, shall be paid in cash, in full, by the United Trustee or the Realization Company.

(d). No provision is made in the Plan for participation by any of the common stockholders of United;

8. The claims of the Secured Creditors are to be satisfied through execution upon the effective date of the Plan of a Settlement Agreement pursuant to which the Realization Company will make payments of cash and will assume Obligations to such creditors in the following amounts in full satisfaction of their claims:

(i) Continental Bank.....	\$2,900,000.00
(ii) Service Annuity Trust.....	1,330,373.68
(iii) Commonwealth Edison.....	1,405,408.55
(iv) Peoples Gas.....	1,115,748.47
(v) Public Service Illinois.....	478,842.98

(a) Upon execution of the Settlement Agreement, Realization Company will make the following payments in cash to the following Secured Creditors on account of the principal of their claims as fixed in the Settlement Agreement:

(i) Continental Bank.....	\$2,360,000
(ii) Service Annuity Trust.....	82,373.68
(iii) Commonwealth Edison.....	408.55
(iv) Peoples Gas.....	748.47
(v) Public Service Illinois.....	842.98

(b) As soon as money shall become available, payments on account of the balance of the Obligations shall be made in the following order of priority:

(i) Service Annuity Trust in the amount of \$1,000,000;

(ii) Ratably to (A) Continental Bank in the amount of \$270,000, and (B) Service Annuity Trust in the amount of \$124,000;

(iii) Ratably to (A) Commonwealth Edison in the amount of \$1,405,000, (B) Peoples Gas in the amount of \$1,115,000, and (C) Public Service Illinois in the amount of \$478,000;

(iv) After payments on account of principal and interest on the Obligations shall have been made as provided above, ratable payments, without interest, aggregating \$270,000 to the Continental

Bank and \$124,000 to the Service Annuity Trust shall be made from time to time by Realization Company.

(c) Interest at the rate of 2% per annum from July 1, 1943 to the date of execution of the Settlement Agreement shall be immediately paid to the Continental Bank and the Service Annuity Trust upon the amounts to be immediately paid them. Interest at the rate of 2% per annum from January 1, 1943 shall accrue upon the amounts of the unpaid Obligations to the Secured Creditors and such interest shall rank in the order of priority of the principal of the Obligations and shall be paid, to the extent that cash shall be available therefor, on each January 1st and July 1st. No interest shall be payable on the sums due under 8 (b) (iv).

9. It shall be the purpose of Realization Company to liquidate its assets expeditiously without undue sacrifice of values and to distribute the proceeds of such liquidation. Accordingly, the certificate of incorporation of Realization Company will be amended so as to limit approximately its corporate powers. In addition, Realization Company will not make any capital distribution, pay any dividends to its stockholders, or purchase any of its capital stock prior to the payment in full of all of the obligations and interest thereon. Thereafter, Realization Company shall wind up its affairs and be dissolved.

10. On or before the effective date of the Plan, Realization Company and Utilities are each to register as a holding company under the Public Utility Holding Company Act of 1935, and will consent to the entry of orders in accordance with sections 11 (b) (1) and 11 (b) (2) of said Act. Utilities and Realization Company will wind up their affairs and be dissolved within five years after the effective date of the Plan, which term may be extended however with the approval of the SEC, for a period aggregating not more than an additional five years.

11. Realization Company and Utilities, as reorganized, shall each have a board of directors consisting of five members, the terms of which shall be for one year. The initial board of directors of Utilities and the initial board of directors of Realization Company shall be selected as follows:

(a) The debenture holders shall elect two directors from a panel of nominees proposed jointly by the United Trustee and the Utilities Trustees, with the approval of the SEC and the Court;

(b) All persons entitled to receive Realization Company capital stock (except the holders of United \$6 preferred stock) shall elect one director from a panel of nominees proposed jointly by the United Trustee and the Utilities Trustees, with the approval of the SEC and the Court;

(c) The holders of United \$6 Preferred Stock shall be entitled to select one director. Hamilton Allport (President of Mid-Continent Laundries, Inc., Oak Park, Illinois) has been selected by the holders of more than a majority of United \$6 Preferred Stock;

(d) The secured creditors shall be entitled to select one director. Willis D. Gale (Vice President of Commonwealth Edison and Vice President of Public Service Illinois) has been selected and agreed upon by the secured creditors as such director;

(e) Successors to the initial board of directors of Realization Company and Utilities shall, so long as Realization Company shall hold not less than 30% of the outstanding shares of capital stock of Utilities, be elected, by classes, in the following manner:

(i) Two directors shall be elected by the holders, other than Realization Company, of the shares of capital stock of Utilities issued and outstanding;

(ii) Two directors shall be elected by the holders of capital stock of Realization Company issued and outstanding;

(iii) One director shall be elected by the Secured Creditors jointly, who shall have one vote for each thousand dollars, or major fraction thereof, in principal amount of obligations owing by Realization Company and then remaining unpaid.

(f) If and when Realization Company shall have less than 30% of the shares of Utilities capital stock issued and outstanding, then the directors of the respective companies shall thenceforth be elected as follows:

(i) Directors of Realization Company shall be elected by the vote of the stockholders of Realization Company, each share carrying one vote with the right of cumulative voting;

(ii) Directors of Utilities shall be elected by the vote of the stockholders of Utilities, each share carrying one vote with the right of cumulative voting.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such Plan, either as filed or as modified, or any other plans which may be proposed by any person having a bona fide interest in the reorganization, in accordance with the provisions of section 11 (f) of the Act; and

It further appearing that, on August 26, 1937, an application was filed by the Debenture Holders' Committee for Midland Utilities Company, acting under a Deposit Agreement dated July 15, 1934, for a report as to a Plan of Reorganization for Midland Utilities Company, pursuant to section 11 (g) of the Public Utility Holding Company Act of 1935 (File No. 34-7); and

It further appearing that the Commission, on July 5, 1940, having entered its Notice of and Order for Further Hearing (File No. 34-7) wherein it was ordered that the evidence adduced at such hearing would be used in connection with the consideration of the said proposed plan of reorganization, or any other plan of reorganization of Midland Utilities Company which may be the subject of an application filed pursuant to the Public Utility Holding Company Act of 1935; and

It further appearing that an application, as amended, was filed by Hugh M. Morris, as trustee of the estate of Mid-

land United Company, for approval of a plan of reorganization for Midland United Company and Midland Utilities Company (File No. 52-21); and

It further appearing that an application was filed by Clarence A. Southerland and Jay Samuel Hartt, as successor trustees of the Estate of Midland Utilities Company, for approval of a Plan of Reorganization for Midland Utilities Company (File No. 52-23); and

The Commission, on September 21, 1943, having entered its Notice of Filing and Order for Consolidation and Hearing, wherein it was ordered that the proceedings filed at File No. 34-7, File No. 52-21, and File No. 52-23 be consolidated; and

It further appearing that hearings have been held on such consolidated proceeding (File No. 34-7, File No. 52-21, and File No. 52-23) and that the consolidated proceeding has been continued subject to the order of the Commission; and that the foregoing consolidated proceeding is related to, and that the evidence offered in respect to such matters may have a bearing upon, the application for approval of the Plan of Reorganization for Midland United Company and Midland Utilities Company filed by Hugh M. Morris, as Trustee of the Estate of Midland United Company, and Clarence A. Southerland and Jay Samuel Hartt, Successor Trustees of Midland Utilities Company, and filed at File No. 52-24, and that substantial savings of time and expense will result if the matters are further consolidated;

*It is ordered*, That the consolidated proceeding (at File No. 34-7, File No. 52-21, and File No. 52-23) be, and hereby is, consolidated with the application filed by Hugh M. Morris, as Trustee of the Estate of Midland United Company, and Clarence A. Southerland and Jay Samuel Hartt, as Successor Trustees of the Estate of Midland Utilities Company (File No. 52-24).

*It is further ordered*, That hearing on such consolidated proceeding, under the applicable provisions of said Act and Rules of the Commission, will be held on November 18, 1943, at 11:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, before the trial examiner hereto-

fore designated to preside. On such day, the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

*It is further ordered*, That without limiting the issues to be considered in this consolidated proceeding, particular attention will be directed at said hearing, in respect to the Plan of Reorganization for Midland United Company and Midland Utilities Company, filed by Hugh M. Morris, as trustee of the Estate of Midland United Company, and Clarence A. Southerland and Jay Samuel Hartt, successor trustees of the estate of Midland Utilities Company, to the following matters and questions:

1. Whether the proposed Plan is fair and equitable to the persons affected.

2. Whether the proposed Plan is feasible.

3. To what extent, if any, the proposed Plan should be modified or amended to render it feasible and fair and equitable to the persons affected.

4. Whether the various transactions proposed in connection with the Plan meet the requirements of applicable sections of the Public Utility Holding Company Act of 1935, particularly sections 7, 10, 11 and 12, thereof, and the Rules and Regulations promulgated thereunder, and of the Bankruptcy Act, as amended, including (but without limitation) the proposals as to the following matters:

(a) The transfer to the Realization Company and Utilities of the United collateral and the Utilities collateral held by the secured creditors;

(b) The payment of the amounts and issuance of securities by Realization Company and Utilities, and the receipt thereof by the persons specified in the Plan;

(c) The provisions relating to the terms and conditions of the securities to be issued by Realization Company and Utilities;

(d) The amendments of the certificates of incorporation of United and Utilities and the terms and provisions of such amendments;

(e) The provisions determining the manner in which the Boards of Directors of Realization Company and Utilities are to be designated; and generally the provisions for the future management of Realization Company and Utilities;

*It is further ordered*, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing copy of this order, by registered mail, to Hugh M. Morris, trustee of the estate of Midland United Company, Clarence A. Southerland and Jay Samuel Hartt, successor trustees of the estate of Midland Utilities Company, the Debenture Holders' Committee for Midland Utilities Company acting under a Deposit Agreement, dated July 15, 1934, and such other persons who have been granted leave to participate in this proceeding, not less than five days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to subsidiaries of said Midland United Company and Midland Utilities Company, the security holders of said Midland United Company and Midland Utilities Company, and of the subsidiaries thereof, consumers of said companies, States, municipalities and political subdivisions of States within which are located any of the utility assets of Midland United Company and Midland Utilities Company and all subsidiaries thereof or under the laws of which any of such companies are incorporated, all State commissions, State securities commissions, and all agencies, authorities, judicial bodies, or instrumentalities of the United States of America and of one or more States, municipalities or other political subdivision having jurisdiction over Midland United Company and Midland Utilities Company or any subsidiaries thereof or over any of the businesses, affairs, or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than five days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-18227; Filed, November 11, 1943;  
11:36 a. m.]



